

Wetlands Bureau Decision Report

Decisions Taken
02/06/2006 to 02/12/2006

DISCLAIMER:

This document is published for information purposes only and does not constitute an authorization to conduct work. Work in jurisdiction may not commence until the applicant has received a posting permit.

Decisions are subject to appeal, and are reviewed by the federal agencies for compliance with Section 404 of the Federal Clean Water Act.

APPEAL:

I. Any affected party may ask for reconsideration of a permit decision in accordance with RSA 482-A:10,II within 20 days of the Department's issuance of a decision. Requests for reconsideration should:

- 1) describe in detail each ground for complaint. Only grounds set forth in the request for reconsideration can be considered at subsequent levels of appeal;
- 2) provide new evidence or information to support the requested action;
- 3) Parties other than the applicant, the town, or contiguous abutters must explain why they believe they are affected; and
- 4) Be mailed to the DES Wetlands Bureau, PO Box 95, Concord, NH 03302-0095.

II. An appeal of a decision of the department after reconsideration may be filed with the Wetlands Council in accordance with RSA 482-A:10, IV within 30 days of the department's decision. Filing of the appeal must:

- 1) be made by certified mail to Brian Fowler, Chairperson, Wetlands Council, PO Box 95, Concord, NH 03302-0095 (a copy should also be sent to the DES Wetlands Bureau);
- 2) contain a detailed description of the land involved in the department's decision; and
- 3) set forth every ground upon which it is claimed that the department's decision is unlawful or unreasonable.

MAJOR IMPACT PROJECT

2002-02483 THE WILDS CHRISTIAN ASSOCIATION INC **MEREDITH Page & Little Ponds**

Requested Action:

The Appellant requests reconsideration of the Department's November 10, 2005 decision to approve the installation of seasonal pier and tubes slides on Page Pond, fill of forested wetlands for road access and athletic fields, and 89 sq ft of impact to prime wetland to drive pilings for footbridges and an upgrade of an existing crossing on the basis that the Applicant failed to provide sufficient documentation to meet the requirements of RSA 482-A:11, IV.

Conservation Commission/Staff Comments:

**In a letter dated 3/2/01, NHI stated that there are no recorded occurrences of sensitive species near the project area.

**In a letter dated 11/22/02, The Meredith Conservation Commission intervened in the permit review process by stating that "the Commission will investigate and report later".

**In a letter dated 12/15/02, The Meredith Planning Board stated that they granted conditional Site Plan Approval on 3/26/02 for the proposed youth camp. In addition, the Board raised specific issues and concerns associated with the proposed recreational uses of Page Pond.

**2 public comment letters (dated 9/15/02 & 12/20/02) were submitted by concerned citizens June & Harold Noreen.

**In a letter dated 1/3/02, The Meredith Conservation Commission stated that they have no overall objections to the establishment of a youth camp, and that they have reviewed the construction plans, noting size and location of building, parking lots and other activities and makes no recommendations for changes. However, the Commission has great concerns that the camper activities will, if not controlled and prohibited, have lasting negative impact on the Prime Wetlands. Note - refer to letter for specific recommendations.

Inspection Date: 06/13/2001 by Craig D Rennie

DENY RECONSIDERATION:

Reconsider and reaffirm the Department's November 10, 2005 decision to approve the Applicant's request to: 1. Install two 6 ft x 40 ft piers connected by a 6 ft x 60 ft seasonal wharf, a 6 ft x 40 ft seasonal pier with a 6 ft x 19 ft seasonal "L", and a 5 ft x 91 ft tube slide extending 16 ft lakeward of the normal high-water line on an average of 2500 ft of frontage on Page Pond. Each of the seasonal piers shall be accessed by a 6 ft wide walkway constructed over the bank of Page Pond.

2. Impact 41 sq ft of prime wetlands to drive pilings and upgrade access over Page Brook to allow emergency vehicle access.

3. Impact 48 sq ft of prime wetland to drive pilings and construct two footbridges over Lower Page Pond for trail system.

4. Dredge and fill 4,425 sq ft of forested wetlands to construct access roads, 1,497 sq ft of forested wetlands to construct an athletic field, and temporarily impact 75 sq ft of forested wetlands for septic line installation.

5. Impact 83,430 sq ft of man-made wetlands to reclaim two quarries for water-based recreation activities.

With Findings:

Grounds for Reconsideration

1. The Appellant maintains that the addition of 2 septic fields and removal of the rifle range results in a project which is "substantially different in character than the original application as proposed by the Applicant at the public hearing."
2. The Appellant maintains that the addition of 2 septic fields and removal of the rifle range after the public hearing had been conducted "prejudiced the Abutter's due process rights and rights to public comment and public hearing afforded by RSA 482-A".
3. The Appellant maintains that the lack of an affirmative statement from the Applicant that there will be no rifle range on the property may indicate that the proposed project is being segmented and that a rifle range may be proposed in the future.
4. The Appellant maintains that the lapse of time between the public hearing and the submission of the final plans and the inability of the Abutter's to comment on the subsurface system design have deprived the Abutter's of the ability to contest the finding that system would not adversely affect groundwater quality.
5. The Appellant maintains that the Applicant failed to provide pre and post-construction drainage calculations, the total amount of impervious surface area proposed, and info on the effect of the project on the canopy budget and failed to demonstrate that all NH

Best Management Practices will be utilized with regard to storm water abatement as required per RSA 485-C.

6. The Appellant maintains that not all abutters were notified required per RSA 482-A:3.

7. The Appellant maintains that the Applicant failed to submit 29 of the 41 plan sheets pertaining to the file.

8. The Appellant maintains that the Applicant failed to establish need for the project as required per Rules Wt 302.01, Statement of Purpose, and Wt 302.04, Requirements for Application Evaluation.

9. The Appellant maintains that the Applicant failed to demonstrate that the project as proposed minimizes and avoids impacts as required per Rules Wt 302.03, Avoidance and Minimization, and Wt 302.04.

10. The Appellant maintains that the Applicant failed to conduct a survey of the flora and fauna present on the property and therefore cannot establish that there are no sensitive species on site which might be adversely impacted by the project.

11. The Appellant maintains that the Applicant failed to delineate the 100 year flood plain on the plans as required per Rule Wt 501.02, Additional Data.

12. The Appellant maintains that the Applicant failed to adequately classify or typify the wetlands to be impacted and demonstrate their relationship to nearby wetlands, surface water, and groundwater as required per Rule Wt 302.04.

13. The Appellant maintains that the project will not benefit the health, safety or well-being of the general public and will not provide public access to the property as required per Rule Wt 302.04.

14. The Appellant maintains that the project will not provide safe ingress and egress for emergency vehicles accessing the property and notes that the Applicant has not provided documentation that they have a legal right of access off Blueberry Hill Rd.

15. The Appellant maintains that that irreparable harm will result from the inability of local officials to sustain the monitoring of the Stewardship Plan.

16. The Appellant cites General Condition # 8 as evidence that the Applicant has failed to address the projects potential impacts to sites on the National Register of Natural Landmarks.

17. The Appellant maintains that the wetlands delineation is incomplete and that the Applicant failed to submit documentation in support of the delineation.

18. The Appellant maintains that the Waterfront Landscape Plan approved by the Bureau is not in the file.

19. The Appellant maintains that the Applicant has failed to provide a Compensatory Mitigation Proposal which addresses the requirements of Rule Wt 803.02, Assessments, as required per Rule Wt 302.03(b).

20. The Appellant maintains that the pursuit of permits from the US Army Corps of Engineers and Environmental Protection Agency for the approved impacts and from the Dam Bureau for the construction of the impoundment structure for the purpose of maintaining the water levels in the quarries will alter the scope of the project.

21. The Appellant maintains that the Applicant has failed to consider what effect the impoundment of water will have on the thermal budget of the Page Pond wetlands complex.

22. The Appellant maintains that the approval of this project would violate Rule Wt 703.01, Criteria for Approval, as there is no basis for the Bureau's finding that the project as proposed will result in no significant loss in the functions and values of the prime wetlands. The Appellant cites the fill of 2311 sq ft of wetland area labeled EEE on the plans as evidence that prime wetlands will be lost.

23. The Appellant maintains that the Applicant has failed submit the clear and convincing evidence necessary for the Bureau to make the finding that this project will not result in the significant net loss of the values set forth in RSA 482-A:1.

24. The Appellant maintains that the Bureau's failure to specifically identify which of the permitted impacts are within prime wetlands renders the unreliable for construction purposes.

Standards for Approval

25. In accordance with Rule Wt 101.02, as effective at the time of the application's filing "Abutter" means any person who owns property immediately adjacent and contiguous to the property on which the project will take place. This does not include those properties across a public road. An abutter includes an owner of any flowage rights on or immediately adjacent to the property on which the project will take place. If the project is located on waterfront or another area which by its configuration brings non-contiguous properties into close proximity to the project, owners of those properties are considered as abutters. The term does not include the owner of a parcel of land located more than one quarter mile from the limits of the proposed project.

26. In accordance with Rule Wt 302.03, Avoidance and Minimization, as effective at the time of the application's filing "the applicant shall submit a statement describing the impact of the proposed project design and provide evidence which demonstrates that his proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction."

27. In accordance with Rule Wt 501.02, Additional Data, as effective at the time of the application's filing, "Along with the completed application submitted to the department, the applicant shall supply at least the following information: (1) A copy or tracing of a town tax map showing the property of the applicant, the location of the project on the property, and the location of

properties of abutters; (2) An authored and signed drawing or drawing showing the location of wetlands, shoreline, and surface waters on site, and their relation to the proposed project. The drawing shall be prepared to scale or so dimensioned as to clearly define the project and shall indicate who was responsible for each part of the plan; and (3) Dated, labeled photograph(s) depicting portions of wetland, shoreline, or surface waters where proposed impact will occur, and showing all existing structures mounted on 8 ½" x 11" sheets shall be submitted.

28. In accordance with RSA 485-A:4, establishing the authority of the Subsurface Systems Bureau, "it shall be the duty of the department and the Department is authorized: IX. To set standards of design and construction for sewerage and sewage or waste treatment systems and standards or guidelines as the Department determines to be appropriate for innovative/alternative waste treatment systems."

29. Administrative Rules Chapter Env-Ws 1000, were adopted by the Subsurface Systems Bureau under RSA 485-A:4, for the purposes as outlined in RSA 485-A:1 and additionally to prevent the pollution of all public and private water supplies, whether underground or surface sources.

30. Appeals of Subsurface Systems Bureau decisions shall be filed in accordance with RSA 485-A:40, Reconsideration and Appeal Procedure, I, which reads "Within 20 days after any decision of the Department, any person whose rights may be directly affected may apply to the Department for reconsideration of any matter determined by the Department in its decision..."

31. In accordance with RSA 485-A:17, Terrain Alteration, establishing the authority of the Site Specific Program, "I. Any person proposing to dredge, excavate, place fill, mine, transport forest products or undertake construction in or on the border of the surface waters of the state, and any person proposing to significantly alter the characteristics of the terrain, in such a manner as to impede the natural runoff or create an unnatural runoff, shall be directly responsible to submit to the department detailed plans concerning such proposal and any additional relevant information requested by the department, at least 30 days prior to undertaking any such activity. The operations shall not be undertaken unless and until the applicant receives a permit from the department."

32. Administrative Rules Chapter Env-Ws 415, were adopted by the Site Specific Program under RSA 485-A:17, to "protect surface water quality from degradation resulting from any activity which significantly alters the terrain or occurs in or on the border of the surface waters of the state. Examples of these activities include dredging, earth moving, excavating, timber harvesting operations, and mining."

Findings of Fact

33. On November 15, 2002, the Wetlands Bureau received an application to fill forested wetlands for road upgrades and athletic fields, install seasonal piers and tube slides providing a combination of high intensity water-related activities and non-motorized boating in surface waters adjacent to prime wetlands, upgrade an existing crossing of Page Brook, and construct 2 foot bridges over Lower Page Pond and adjacent prime wetlands. The impacts requested were associated with construction of a proposed youth camp and conference center. No impacts to the man-made quarries were proposed.

34. The only direct impacts to designated prime wetlands are 89 sq ft of impacts to drive pilings for footbridges associated with the proposed trail system and upgrade an existing wetlands crossing for emergency vehicle access.

35. The wetland area identified on the plans as area "EEE" is not designated as prime by the Town of Meredith.

36. The plans submitted with the original application indicated 2 separate subsurface systems to be constructed on site.

37. The Applicant included a detailed statement addressing the need for the proposed impacts as required per Rules Wt 302.01, and Wt 302.04 in the original application submitted November 15, 2002.

38. The Applicant included a detailed statement demonstrating that impacts had been minimized and avoided as required per Rules Wt 302.03 and Wt 302.04 in the original application submitted November 15, 2002.

39. The application submitted on November 15, 2002, included an Environmental Impact Assessment which contained the results of surveys for flora and fauna found on the subject property.

40. All wetlands to be impacted were typified and classified in the Environmental Impact Assessment submitted November 15, 2002.

41. An assessment of the historic resources on the subject property was included in the Environmental Impact Assessment submitted November 15, 2002.

42. There are no sites in Meredith identified on the National Register of Natural Landmarks.

43. Copies of certified mail receipts submitted with the original application on November 15, 2002 demonstrate the all abutters as defined per Rule 101.02, were notified of the applicant's intent to apply for a wetlands impact permit.

44. The wetlands as shown on the plans were delineated by a certified wetland scientist. Field inspections by Wetlands Bureau staff on June 13, 2001 and April 25, 2003 found no reason to question the wetlands delineation or require additional documentation supporting the boundary as delineated.

45. During the field inspection on June 13, 2001 it was noted that there were two man-made quarries on the property, which were

flooded due to previous beaver activities.

46. On March 12, 2003, the Wetlands Bureau issued a Request for More Information Letter to the Applicant requesting that they investigate the use of the quarries for the high intensity water-related activities as a less impacting alternative to the use of Page Pond for these activities.

47. On October 3, 2003, the Wetlands Bureau received a revised proposal from the Applicant which included 83, 430 sq ft of impacts to reclaim the quarries to provide an alternative location for the non-boating, high intensity water-related activities, as requested by the Bureau on March 12, 2003.

48. A public hearing relative to this project was conducted in Meredith, by the Department, on January 17, 2004 during which the Applicant presented the project as detailed in the plans received October 3, 2003.

49. Rule Wt 501.02, as effective at the time the application was filed did not require the delineation of the 100 yr flood plain on the plans.

50. Rule Wt 302.03 (b) requiring compensatory mitigation did not become effective until March 13, 2004.

51. Chapter Wt 800, Compensatory Mitigation, did not become effective March 13, 2004.

52. On October 7, 2005, Wetlands Bureau Staff requested that the applicant submit a full set of plans showing and changes made for the purposes of obtaining the subsurface approval.

53. On October 12, 2005, the Wetlands Bureau received a plan set containing 41 sheets relative to the proposed project.

54. On November 7, 2005 Wetlands Bureau staff reviewed the full plan set submitted and culled 29 plan sheets which were redundant or did not involve impacts to wetlands. Culling of unnecessary plan sheets is a standard practice of the Wetlands Bureau employed to meet file storage space constraints. Review of the plans found that the changes to the subsurface systems resulted in no changes in wetlands impacts.

55. The copy of the Waterfront Landscape Plan by Jordan Associates as revised on October 7, 2003, and received by the Department on December 15, 2003 is located in the file.

56. The project as designed and approved meets the standards in Administrative Rules Chapter Env-Ws 1000 established under RSA 485-A:4, and has received construction approvals #CA2005076905 and #CA2005076906 from the Subsurface Systems Bureau.

57. No appeal of construction approvals #CA2005076905 and #CA2005076906 as provided for in RSA 485-A:40, has been filed with the Subsurface Systems Bureau.

58. The additional subsurface system proposed and approved by the department under RSA 485-A is located approximately 600 feet from the nearest wetland.

59. The "22 range area" has been removed from the Stewardship Plan as no rifle range is proposed on this property at this time.

60. The project as designed and approved meets the standards in Administrative Rules Chapter Env-Ws 415 established under RSA 485-A:17, and therefore was issued Alteration of Terrain Permit # WPS 6850 on July 13, 2004 by the Site Specific Program.

61. The proposed project will occur on lands owned in their entirety by the Applicant and will have no adverse impact on the health, safety or well-being of the general public.

62. The Environmental Stewardship Plan is subject to review and approval by the Town of Meredith.

Rulings in Support of the Decision

63. The removal of the rifle range and addition of one subsurface system which meets the standards established under RSA-485-A:4 does not create a substantial difference in the character of this project, therefore the decision to approve this project without a second public hearing did not prejudice the Abutter's rights under RSA 482-A.

64. The use of uplands areas as a firing range does not fall under the jurisdiction of the Wetlands Bureau therefore no restriction pertaining to the future installation of a firing range in uplands may be imposed by the Wetlands Bureau. This finding will not preclude the future review of any impacts associated with a firing range if one is proposed and the Town of Meredith determines that it will be adjacent to designated prime wetlands.

65. The Appellant had the opportunity to review, comment and appeal the Subsurface Systems Bureau decision to grant construction approvals #CA2005076905 and #CA2005076906 for the subsurface systems under RSA 485-A:40 during the time that lapsed between the public hearing and decision to approve the project under RSA 482-A therefore the Wetlands Bureau's decision to approve the project under RSA 482-A did not deprive the Abutters of the ability to contest the finding that the system would not adversely affect ground water quality.

66. Issues pertaining to pre and post-construction drainage calculations, impervious surface area, canopy budget, and storm water abatement were reviewed in accordance with RSA 485-A:17 and approved by the Site Specific Program under Alteration of Terrain Permit # WPS 6850, therefore the Appellant's assertion that the Applicant failed to address these issues is unfounded.

67. The application for this project was submitted prior to the adoption of rules requiring compensatory mitigation and delineation

of the 100 yr flood plain. The Appellant's claim that these additional requirements, adopted after the application was filed, should be applied retroactively is unreasonable.

68. The Appellant's assertions that Applicant failed to notify all abutters as required, submitted a statement of need for the proposed impacts, submit documentation that impacts have been avoided and minimized, conduct a survey of flora and fauna, and classify and typify the wetlands to be impacted are unfounded.

69. The Appellant's assertion that the approved Waterfront Landscape Plan is not in the file is unfounded.

70. There is no standard requirement for the submittal documentation supporting the wetland delineation and no reason after review of the documents submitted to the file and field inspection of the site to question the edge of wetlands as delineated therefore the Appellant's assertion that supporting documents be required is unreasonable.

71. There are no sites in Meredith identified on the National Register of Natural Landmarks therefore the Appellant's assertion that the Applicant has failed to address impacts to sites on the Register is unfounded.

72. The process of obtaining any permits necessary for replacement of the existing beaver dam with a man-made structure to maintain the existing water levels within the quarries will not alter the scope of the project.

73. The US Army Corps of Engineers approved the project as proposed under the State Programmatic General Permit on January 6, 2006, therefore the Appellant's assertion that obtaining Federal approval will alter the scope of the project is unfounded.

74. The water levels within the quarries will be maintained at the pre-existing levels and therefore there will be no change to the thermal budget of the Page Pond wetlands complex.

75. The Department reviewed and evaluated the plan sheets culled on November 7, 2005 and determined that those sheets were not necessary for the evaluation of the project's impacts. The plan sheets retained by the Department depict the full extent of the jurisdictional areas to be impacted and are sufficient for the Department to make findings regarding the impacts to designated prime wetlands as required per RSA 482-A:11, IV.

76. Requiring the Applicant to provide public access to privately held lands, which are not, and have not been, subject to any easement or right of public passage as a condition of approval would be unreasonable.

77. The approved impacts for the emergency vehicle access will improve an existing crossing located completely with the land of the Applicant and is no dependent upon access from Blueberry Hill Rd.

78. The establishment of design standards for the safe ingress or egress of emergency vehicles is outside of the authority of this Department. 79. The failure to specify that the wetlands to be impacted by the pilings to be driven for the crossing upgrade and footbridges are designated as prime wetlands by the Town of Meredith will not affect the reliability of the permit which approves specific plans and is subject to specific conditions for construction purposes.

80. The Appellant's speculation that the Town of Meredith will fail to enforce the Environmental Stewardship Plan as required, reviewed, and approved by the Town thereby resulting in adverse impacts to the prime wetlands is not reasonable grounds for the denial of the proposed project.

81. The implementation of the wildlife habitat enhancements associated with the Stewardship Plan, the transfer of the high intensity water-related activities to the quarries, and the restriction of public access to the areas surrounding the Page Pond prime wetland complex will offset any adverse impacts to wildlife habitat associated with the footbridge, seasonal pier, and tube slide construction, therefore the requirements of Rule Wt 703.01, Criteria for Approval, have been met.

82. The Department reaffirms its November 10, 2005 decision to approve this project as proposed based on clear and convincing evidence supplied by the Applicant that the project as proposed, approved, and conditioned will result in no significant net loss in the functions and values, as described in RSA 482-A:1, of the Page Pond wetland complex.

Requested Action:

The Appellant requests reconsideration of the Department's November 10, 2005 decision to approve the installation of seasonal pier and tubes slides on Page Pond, fill of forested wetlands for road access and athletic fields, and 89 sq ft of impact to prime wetland to drive pilings for footbridges and an upgrade of an existing crossing on the basis that Abutters were not afforded adequate opportunity to review the project and that Bureau inappropriately issued a "sequence approval."

DENY RECONSIDERATION:

Reconsider and reaffirm the Department's November 10, 2005 decision to approve the Applicant's request to: 1. Install two 6 ft x 40 ft piers connected by a 6 ft x 60 ft seasonal wharf, a 6 ft x 40 ft seasonal pier with a 6 ft x 19 ft seasonal "L", and a 5 ft x 91 ft tube slide extending 16 ft lakeward of the normal high-water line on an average of 2500 ft of frontage on Page Pond. Each of the seasonal piers shall be accessed by a 6 ft wide walkway constructed over the bank of Page Pond.

2. Impact 41 sq ft of prime wetlands to drive pilings and upgrade access over Page Brook to allow emergency vehicle access.

3. Impact 48 sq ft of prime wetland to drive pilings and construct two footbridges over Lower Page Pond for trail system.

4. Dredge and fill 4,425 sq ft of forested wetlands to construct access roads, 1,497 sq ft of forested wetlands to construct an athletic

field, and temporarily impact 75 sq ft of forested wetlands for septic line installation.

5. Impact 83,430 sq ft of man-made wetlands to reclaim two quarries for water-based recreation activities.

With Findings:

Grounds for Reconsideration

1. The Appellant maintains that the plans received on October 13, 2005, October 31, 2005, and the Stewardship Commitment received November 2, 2005 incorporate significant changes to the proposed project including the addition of the conference center, reclamation of the quarries, and addition of two septic field made since the January 27, 2004 public hearing.
2. The Appellant maintains that there has been insufficient time for the abutters to respond to changes made to the proposal made since the public hearing.
3. The Appellant maintains that the use of the quarries for the swimming activities will require additional water and thus may adversely affect groundwater supplies.
4. The Appellant maintains that "many" of the 22 Approval Conditions attached to this approval "have yet to be addressed and documented", that the project is being sequentially approved, and that such approval is not appropriate for a major impact project requiring Governor and Executive Council approval.
5. The Appellant suggests that not all abutters were afforded the same period of time to review and appeal the Department's decision.

Standards for Approval

6. In accordance with Rule Wt 704.01 Permit Issuance. No permit shall be issued until 28 calendar days after notification of the department's decision has been given to the municipal conservation commission, planning board, municipal executive body, applicant, and other interested parties who have entered written testimony or attended the public hearing.
7. In accordance with RSA 485-A:4, establishing the authority of the Subsurface Systems Bureau, "it shall be the duty of the department and the Department is authorized: IX. To set standards of design and construction for sewerage and sewage or waste treatment systems and standards or guidelines as the Department determines to be appropriate for innovative/alternative waste treatment systems."
8. Administrative Rules Chapter Env-Ws 1000, were adopted by the Subsurface Systems Bureau under RSA 485-A:4, for the purposes as outlined in RSA 485-A:1 and additionally to prevent the pollution of all public and private water supplies, whether underground or surface sources.
9. Appeals of Subsurface Systems Bureau decisions shall be filed in accordance with RSA 485-A:40, Reconsideration and Appeal Procedure, I, which reads "Within 20 days after any decision of the Department, any person whose rights may be directly affected may apply to the Department for reconsideration of any matter determined by the Department in its decision..."
10. In accordance with RSA 482-A:11, Administrative Provisions, II, "If a permit is granted, the decision of the Department may contain reasonable conditions designed to protect the public good."

Findings of Fact

11. On November 15, 2002, the Wetlands Bureau received an application to fill forested wetlands for road upgrades and athletic fields, install seasonal piers and tube slides providing a combination of high intensity water-related activities and non-motorized boating in surface waters adjacent to prime wetlands, upgrade an existing crossing of Page Brook, and construct 2 foot bridges over Lower Page Pond and adjacent prime wetlands. The impacts requested were associated with construction of a proposed youth camp and conference center. No impacts to the man-made quarries were proposed.
12. On March 12, 2003, the Wetlands Bureau issued a Request for More Information Letter to the Applicant requesting that they investigate the use of the quarries for the high intensity water-related activities as a less impacting alternative to the use of Page Pond for these activities.
13. On October 3, 2003, the Wetlands Bureau received a revised proposal from the Applicant which included 83, 430 sq ft of impacts to reclaim the quarries to provide an alternative location for the non-boating, high intensity water-related activities, as requested by the Bureau on March 12, 2003.
14. A public hearing relative to this project was conducted in Meredith, by the Department, on January 17, 2004 during which the Applicant presented the project as detailed in the plans received October 3, 2003.
15. The conference center and quarry impacts were included in the proposal put forward by the Applicant during the January 17, 2004 public hearing.

16. On October 7, 2005, Wetlands Bureau staff requested that the applicant submit a full set of plans showing any changes made for the purposes of obtaining the subsurface approval.
17. On October 12, 2005, the Wetlands Bureau received and reviewed the requested plans and found that one subsurface system had been added to the overall proposal and that the changes to the subsurface systems resulted in no changes in wetlands impacts.
18. During a field inspection by Wetlands Bureau staff on June 13, 2001 it was noted that there were two man-made quarries on the property, which were flooded due to previous beaver activities.
19. The project as designed and approved meets the standards in Administrative Rules Chapter Env-Ws 1000 established under RSA 485-A:4, and has received construction approvals #CA2005076905 and #CA2005076906 from the Subsurface Systems Bureau.
20. No appeal of construction approvals #CA2005076905 and #CA2005076906 as provided for in RSA 485-A:40, has been filed with the Subsurface Systems Bureau.
21. On November 10, 2005 the Department approved the project and incorrectly released the permit to the Applicant prior to the passage of the 28 day waiting period required per Rule Wt 704.01 and approval by the Governor and Executive Council.
22. On December 2, 2005 the Department notified the Applicant in writing that the permit had been released as the result of an administrative oversight and that it was not a valid document.
23. On December 2, 2005 the Department issued an Approval Letter notifying the applicant, municipality and all abutters of the Department's decision to approve the project and the 28 day period, ending December 29, 2005, during which any aggrieved party could request reconsideration.

Rulings in Support of the Decision

24. The Appellant's assertion that the Applicant added a conference center, impacts associated with the reclamation of the quarries, and two septic fields to the proposal after the public hearing was held on January 27, 2004 is not accurate.
25. The addition of one subsurface system, located approximately 600 ft from the nearest wetland and which meets the standards established under RSA-485-A:4 does not constitute a significant change in this project.
26. The Appellant had the opportunity to review, comment and appeal the Subsurface Systems Bureau decision to grant construction approvals #CA2005076905 and #CA2005076906 for the subsurface systems under RSA 485-A:40 during the time that lapsed between the public hearing and decision to approve the project under RSA 482-A therefore the Appellant's assertion that they were not afforded adequate time to contest the finding that the system would not adversely affect ground water quality is without merit.
27. The water levels within the quarries will be maintained at the existing levels and therefore there will not have any increased or adverse impacts on the groundwater supply.
28. The Appellant's assertion that "many" of the Approval Conditions "have yet to be addressed and documented" is not accurate.
29. RSA 482-A:11, II, specifically authorizes the Department to attach approval conditions to permits, therefore the Appellant's assertion that attaching conditions to an approval constitutes a sequential approval that is in appropriate for a major project requiring Governor and the Executive Council is simply without merit.
30. All appropriate parties were appropriately notified of the Department's decision to approve the project as proposed and were afforded 28 days during which to appeal, as required per Rule Wt 704.01.

-Send to Governor and Executive Council-

2003-00175 GADD, JOHN
BARRINGTON Unnamed Wetland

Requested Action:

Request to change name to: Davlynn Development LLC 1 Deer Run, East Kingston, NH 03827 per request received 2/6/06.

Conservation Commission/Staff Comments:

In a letter to the DES Wetlands Bureau dated March 3, 2003 the Barrington Conservation Commission referenced its Memorandum to the Barrington Planning Board dated September 26, 2002 which raised the following three project-related concerns: 1. Adverse wetlands and surface waters impacts associated with improvements to Oak Hill Road; 2. Adverse wetlands and surface waters impacts associated with proposed construction of four homes on the south side of Oak Hill Road; and 3. Stormwater runoff to

wetlands and surface waters, and wildlife corridor disruptions associated with construction of the residential development and subsequent increased vehicular traffic.

Inspection Date: 03/19/2003 by Christian P Williams

APPROVE NAME CHANGE:

Fill approximately 7,822 square feet within forested wetlands and within the bed and banks of an unnamed perennial stream and an intermittent stream to upgrade Oak Hill Road to provide access to an 18-lot residential subdivision on approximately 76 acres adjacent to Barrington Prime Wetlands #28 and #42. As compensatory mitigation for jurisdictional impacts preserve a total of 27.4 acres of wetlands and contiguous upland buffer on-site.

With Conditions:

1. All work shall be in accordance with the following plans (hereinafter referred to as the "Approved Plans") by S.E. Cummings Associates, Inc.:
 - a) The Subdivision Plan with Detail "A" and Detail "B" dated July 1, 2002 and revised February 5, 2004, as received by the Department on February 13, 2004;
 - b) The Existing Conditions Plan (Sheets 2 - 5 of 22) dated January 21, 2002 and revised November 1, 2002, as received by the Department on April 17, 2003.
 - c) The Subdivision Plan (Sheets 6 - 13 of 22) dated January 21, 2002 and revised August 13, 2003, as received by the Department on August 20, 2003; and
 - d) The Roadway Profile (Sheets 14 - 16 of 22), the Roadway Details (Sheet 17 of 22), the Drainage Details (Sheet 18 of 22) and the Erosion Control Details (Sheet 19 of 22) dated January 21, 2002 and revised February 5, 2004, as received by the Department on February 13, 2004.
2. This permit is contingent on approval by the DES Site Specific Program.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
5. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #4 of this approval.
6. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
7. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
8. At least seven days prior to the start of construction the permittee shall notify in writing the NHDES Wetlands Bureau and the Barrington Conservation Commission of the date project construction is proposed to begin.
9. Work shall be conducted during low flow conditions.
10. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
11. Appropriate erosion and siltation controls shall be installed prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
12. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate work area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
13. Prior to commencing work on a substructure located within surface waters, a temporary cofferdam shall be constructed to isolate the substructure work area from the surface waters.
14. Temporary cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a temporary cofferdam is fully effective, confined work can proceed without restriction.
15. Temporary cofferdams shall be entirely removed immediately following construction.
16. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
17. All work associated with removal of the existing 12-inch diameter culvert beneath Oak Hill Road (Sta 22+32) and subsequent

replacement with a 4-foot x 2-foot x 40-foot box culvert shall occur within the existing road right-of-way.

18. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.

19. Proper headwalls shall be constructed within seven days of culvert installation.

20. Stone aprons shall be installed at culvert outlets, where appropriate, to dissipate flow velocities and prevent scour and erosion.

21. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.

22. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

23. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.

24. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.

25. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

Upland Buffer and Wetland Preservation:

26. This permit is contingent upon the preservation of a total of approximately 27.4 acres on-site, including approximately 7.91 acres (344,814 square feet) of deed restriction area and approximately 19.49 acres (849,161 square feet) of open space area, as depicted on the Approved Plans.

27. The deed restriction area and open space area shall be protected via conservation restrictions incorporated in the deeds of individual lots within the subdivision, as described in the Oak Hill Estates Subdivision Declaration of Conservation Restrictions and the Oak Hill Estates Subdivision Declaration of Conservation Restrictions on Lot 74C-5, both dated June 4, 2003, as received by the Department on July 14, 2003.

28. The following lots within the subdivision shall be subject to conservation restrictions: Lots 74-9, 74-10, 74-11, 74-12, 74-13, and 74C-5.

29. Each and every owner by acceptance of any deed for Lots 74-9, 74-10, 74-11, 74-12 and 74-13 shall agree to be subject to the terms of the Oak Hill Estates Subdivision Declaration of Conservation Restrictions, and each and every owner by acceptance of any deed for Lot 74C-5 shall agree to be subject to the terms of the Oak Hill Estates Subdivision Declaration of Conservation Restrictions on Lot 74C-5.

30. The Approved Plans noting the deed restriction area and open space area with a copy of the final Oak Hill Estates Subdivision Declaration of Conservation Restrictions and the final Oak Hill Estates Subdivision Declaration of Conservation Restrictions on Lot 74C-5 shall be recorded with the Registry of Deeds Office for each appropriate lot. A copy of the recording from the County Registry of Deeds Office shall be submitted to the NHDES Wetlands Bureau prior to the start of construction.

31. The applicant shall prepare a report summarizing existing conditions within the deed restriction area and the open space area. Said report shall contain photographic documentation of the each area, and shall be submitted to the DES Wetlands Bureau prior to construction to serve as a baseline for future monitoring of the deed restriction and open space area.

32. The deed restriction area and open space area shall be surveyed by a licensed surveyor, and marked by monuments [stakes] prior to construction.

33. Signs to indicate the location of and restrictions on the deed restriction area and open space area shall be posted no further than every 150 feet along the boundary of the deed restriction area and the open space area prior to construction.

34. Prior to construction, the permittee shall notify the NHDES Wetlands Bureau of the placement of the conservation easement area signs.

35. The conservation restrictions to be placed on the deed restriction area and open space area shall be written to run with the land, and both existing and future property owners shall be subject to the conservation restrictions.

36. The placement of fill, construction of structures, and storage of vehicles or hazardous materials is prohibited within the deed restriction area and the open space area.

37. Activities in contravention of the final Oak Hill Estates Subdivision Declaration of Conservation Restrictions and the final Oak Hill Estates Subdivision Declaration of Conservation Restrictions on Lot 74C-5 shall be construed as a violation of ROSA 482-A, and those activities shall be subject to the enforcement powers of the Department of Environmental Services (including remediation and fines).

With Findings:

. The project is categorized as a Major Impact Project per Administrative Rule Wt 303.02(f), as the project is located adjacent to

Barrington Prime Wetlands #28 and #42.

2. Proposed wetlands and surface waters impacts are associated with upgrading Oak Hill Road.
3. The applicant proposed an alternative that would have terminated the subdivision roadway in a cul-de-sac immediately east-northeast of the perennial stream associated with Prime Wetland #42. This alternative, which would have significantly reduced wetlands and surface waters impacts, was rejected by the Barrington Planning Board in favor of a through-road, in part based on the safety concerns raised by the Barrington Fire and Police Chiefs.
4. In a Memo dated August 29, 2002 the NH Natural Heritage Inventory (NHI) stated that the Blanding's Turtle had been previously identified in the project vicinity. Documentation provided by the NH NHI indicates that in 1979 a single Blanding's Turtle adult was identified approximately one mile from the project site, at the intersection of NH Routes 9 and 125.
5. In a letter dated December 30, 2002 the NH Fish & Game Department stated that the project design minimizes potential impacts to Blanding's Turtles by maintaining turtle habitat on the property.
6. In a letter to the DES Wetlands Bureau dated March 3, 2003 the Barrington Conservation Commission referenced its Memorandum to the Barrington Planning Board dated September 26, 2002 which raised the following project-related concerns: a) Adverse wetlands and surface waters impacts associated with improvements to Oak Hill Road; b) Adverse wetlands and surface waters impacts associated with proposed construction of four homes on the south side of Oak Hill Road; and c) Stormwater runoff to wetlands and surface waters, and wildlife corridor disruptions associated with construction of the residential development and subsequent increased vehicular traffic.
7. On March 19, 2003 DES Wetlands Bureau staff conducted a field inspection of the property.
8. On April 17, 2003 DES Wetlands Bureau staff conducted a Prime Wetland Public Hearing for the project. Concerns regarding the quality and quantity of water exiting the site post-development were raised by two abutting property owners.
9. In response to the water quality and quantity concerns raised by the two abutting property owners at the Prime Wetland Public Hearing and by Kai Stapelfeldt and Robert Eckert in a letter to the Department dated March 19, 2003, and the general stormwater runoff concerns raised by the Barrington Conservation Commission, the Department finds that a complete technical review of site drainage issues, including stormwater analyses for quality and quantity of stormwater runoff, has been conducted by the DES Site Specific Program. This includes, but is not limited to, review of: methods to control peak stormwater discharge rates; construction erosion controls; and methods for treatment of stormwater runoff from impervious surfaces. Issuance of DES Site Specific Permit WPS 6685 on February 4, 2004 is indicative that all requirements of Env-Ws 415 have been satisfied.
10. In a letter to the Department dated March 19, 2003 Kai Stapelfeldt and Robert Eckert raised a number of concerns regarding the project's potential to adversely impact wetlands and wildlife habitat. In response to these concerns and similar concerns raised by the Barrington Conservation Commission the Department makes the following findings: a) Item #13 of the letter from West Environmental Inc. dated April 16, 2003 adequately addresses many of the wetland and wildlife habitat concerns; b) In a letter dated December 30, 2002 the NH Fish & Game Department stated that the project design minimizes potential impacts to Blanding's turtles by maintaining turtle habitat on the property; and c) Although the proposed through-road alternative will result in the filling of approximately 8,900 square feet of additional wetlands, the alternative proposal to terminate the road in a cul-de-sac is not consistent with Rule Wt 302.04(a)(12), as it may jeopardize the safety and well being of the general public.
11. The proposed wetlands compensatory mitigation plan, which will preserve a total of 27.4 acres of wetland and contiguous upland buffer adjacent to Barrington Prime Wetlands #28 AND #42, exceeds the ratios for upland buffer preservation described in the NHDES Wetlands Bureau's Draft Wetlands Compensatory Mitigation Rules.
12. The need for the proposed jurisdictional impacts has been demonstrated by the applicant per Rule Wt 302.01.
13. The applicant has provided evidence which demonstrates that the proposal is the alternative with the least adverse impact to areas and environments under the Department's jurisdiction, in accordance with Rule Wt 302.03.
14. The applicant has demonstrated by plan and example that each factor listed in Rule Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
15. The applicant has addressed the subdivision plan requirements of Rule Wt 304.09(a).
16. The plans submitted in support of the application accurately depict the boundaries of Barrington Prime Wetlands #28 and #42 and other non-prime wetlands on the property.
17. The applicant has adequately addressed the Prime Wetland Criteria for Approval referenced in Rule Wt 703.01(b)
18. Based on review of information and documentation submitted in support of the application, and based on observations made by DES Wetlands Bureau staff during an inspection of the property, the Department finds that the proposal will not result in a significant net loss of the functions and values of Barrington Prime Wetlands #28 and #42, as set forth in RSA 482-A:1.

Requested Action:

Amendment request to temporarily impact 100 square feet for the installation of a dry hydrant.

Conservation Commission/Staff Comments:

Please see findings for this permit.

APPROVE AMENDMENT:

Dredge and fill 2.7 acres of palustrine forested wetland for access and lot development and installation of a dry hydrant. Mitigate for impacted areas by funding a Natural Resources Inventory and Open Space Plan for the Town of Tilton and preserve approximately 55 acres, including 5.6 acres of wetlands and approximately 49.4 acres of contiguous upland buffer.

With Conditions:

1. All work shall be in accordance with plans by TF Moran dated December 20, 2004, and revised through January 21, 2005, as received by the Department on February 4, 2005 and Plan Sheet 11 of 30 by TF Moran dated December 20, 2004, and revised through September 19, 2005, as received by the Department on December 5, 2005.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. This permit is contingent on approval by the DES Site Specific Program.
4. This permit is contingent on approval by the DES Dam Safety Program.
5. This permit is contingent on approval of the NH Department of Transportation Driveway permit.
6. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
7. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
8. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Water Division permitting staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
9. Work shall be conducted during low water conditions.
10. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
11. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
12. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
13. Proper headwalls shall be constructed within seven days of culvert installation.
14. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
15. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
16. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
17. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
18. Silt fencing must be removed once the area is stabilized.
19. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

Mitigation Conditions:

20. This permit is contingent upon the applicant funding a Natural Resources Inventory and Open Space Plan for the Town of

Tilton with a focus on identifying potential future conservation lands and protection of wildlife corridors within the bounds of the town.

21. The permittee shall submit to NHDES Wetlands Bureau a proposal for a preferred qualified professional who they wish to conduct Natural Resources Inventory and Open Space Plan for the Town of Tilton. NHDES Wetlands Bureau and must agree in writing to the qualifications of the designated professional.

22. A copy of the Natural Resources Inventory and Open Space Plan shall be submitted to NHDES Wetlands Bureau prior to October 1, 2005. DES Wetlands Bureau will consider a written request to extend this date if additional time is needed to complete the Inventory and Plans.

23. This permit is contingent upon the preservation of approximately 55 acres, referred to as "Buffalo Park" and identified as Tilton tax map R-17, lot 20. The conservation land area, which includes 5.6 acres of wetlands and approximately 49.4 acres of contiguous upland buffer, shall be conveyed to The Town of Tilton by Warrantee Deed and be under the stewardship of the Tilton Conservation Commission.

24. The restrictions to be placed on the open space/preservation areas, as outlined in the Warranty Deed granted to the Town of Tilton shall be written to run with the land, and both existing and future property owners shall be subject to these restrictions.

25. DES Wetlands Bureau Staff shall review the restrictions of the proposed Warrantee Deed prior to recordation with the Belknap County Registry of Deeds.

26. A plan providing the boundaries of the preservation lot and a stewardship plan shall be submitted to DES Wetlands Bureau for review prior to recordation with the Belknap County Registry of Deeds.

27. A copy of the recording of the deed, stewardship plan, and preservation lot plan, from the Belknap County Registry of Deeds Office shall be submitted to the DES Wetlands Bureau prior to the start of construction.

28. The open space/preservation area boundaries shall be surveyed by a licensed surveyor, and marked by monuments [stakes] prior to the start of construction.

29. Signs to indicate the location of and restrictions on the preservation areas shall be posted no further than every 150 feet along the boundary of the conservation areas by October 1, 2005.

30. The logging activities in the open space/preservation area shall be severely limited by the Warrantee Deed.

31. There shall be no removal of the existing vegetative undergrowth within the preservation area and clear cut logging, the placement of fill, construction of structures, and storage of vehicles or hazardous materials is prohibited.

32. Activities in contravention of the Warranty Deed shall be construed as a violation of RSA 482-A, and those activities shall be subject to the enforcement powers of the Department of Environmental Services (including remediation and fines).

2005-00049 WEST ALTON MARINA
ALTON Lake Winnepesaukee

Requested Action:

Applicant requests larger canopy dimension to accommodate larger boats.

Conservation Commission/Staff Comments:

Combined with file 2005-47 for one fender piling

DENY AMENDMENT:

Request to increase canopy dimensions from 20 ft x 90 ft to 34 ft x 92 ft.

With Findings:

Standards for Approval

1. In accordance with Rule Wt 302.04, Requirement for Application Evaluation, (a), 16, Applicants shall document that they have considered the cumulative impact that would result if all parties abutting Lake Winnepesaukee were allowed similar impacts.

2. In accordance with Rule Wt 402.07, Canopies, canopies shall be constructed so as not to obstruct views from adjacent property or interfere with boating or swimming safety.

Findings of Fact

3. On August 31, 2005, the Wetlands Bureau received a request to amend the permit to increase the seasonal canopy dimensions from 20 ft x 90 ft to 34 ft x 92 ft. The applicant maintains that the additional 14 ft in length out from the shoreline is necessary to accomodate increased boat sizes.
4. The Applicant has not submitted documentation or evidence of the consideration of the cumulative impact that would result if all similar properties and property owners were permitted similar impacts.

Rulings in Support of the Decision

5. The Applicant has failed to docment consideration of the potential cumulative that would result if similar properties and property owners were permitted similar impacts as required per Rule Wt 302.04, and therefore is denied inaccordance with Rule Wt 302.04 (e), 2.
6. The cumulative effect of permitting the owners of similar properties to complete similar projects would result in the obstruction of views from adjacent property, therefore this project is denied.

-Send to Governor and Executive Council-

2005-00083 SOUTHERN NH UNIVERSITY **HOOKSETT Unnamed Wetland**

Requested Action:

Dredge and fill a total of 69,661 square feet of wetlands (56,452 square feet of disturbed, ditched wet meadow, and 13,209 square feet of forested wetlands) over 7 locations for access and lot development for a commercial retail development, including: Impact #1, 760 square feet and Impact #2, 1,538 square feet, for lot development for building construction; Impact #3, 35,148 square feet for access and lot development for parking lot construction; Impact #4, 6,542 square feet for installation of a 3' x 3' 67' box culvert for access and slope grading; Impact #5, 4,717 square feet (750 sq. ft. temporary impact) for grading and drainage; Impact #6A, 4,895 square feet for slope grading; Impact #6B, 2,980 square feet for parking lot construction and slope grading; Impact #6C, 11,356 square feet for building access; parking lot construction and slope grading; and Impact #7, 1,725 square feet for construction of a detention berm for a detention basin located out of jurisdiction.

Approve as mitigation preservation of 69.13 acres on the property of 3-A Development, to be granted as a conservation easement to be held the Town of Hooksett.

Conservation Commission/Staff Comments:

Conservation Commission recommends approval and will hold conservation easement for mitigation.

Inspection Date: 06/09/2005 by Dori A Wiggin

APPROVE PERMIT:

Dredge and fill a total of 69,661 square feet of wetlands (56,452 square feet of disturbed, ditched wet meadow, and 13,209 square feet of forested wetlands) over 7 locations for access and lot development for a commercial retail development, including: Impact #1, 760 square feet and Impact #2, 1,538 square feet, for lot development for building construction; Impact #3, 35,148 square feet for access and lot development for parking lot construction; Impact #4, 6,542 square feet for installation of a 3' x 3' 67' box culvert for access and slope grading; Impact #5, 4,717 square feet (750 sq. ft. temporary impact) for grading and drainage; Impact #6A, 4,895 square feet for slope grading; Impact #6B, 2,980 square feet for parking lot construction and slope grading; Impact #6C, 11,356 square feet for building access; parking lot construction and slope grading; and Impact #7, 1,725 square feet for construction of a detention berm for a detention basin located out of jurisdiction.

Approve as mitigation preservation of 69.13 acres on the property of 3-A Development, to be granted as a conservation easement to be held the Town of Hooksett.

With Conditions:

1. All work shall be in accordance with revised plans by Brown Engineering dated 10/31/2005, as received by the Department on

11/03/2005.

2. This permit is contingent upon receipt and approval by DES of final design 50-scale grading and drainage plans.
3. This permit is contingent upon receipt and DES approval of stream diversion/ dewatering plan for work at crossing locations which involve perennial streams.
4. This permit is contingent upon receipt and DES approval of a detailed woodcock protection management plan to adequately respond to the comments of NH Fish & Game Department, specifying the purpose and goals of the plan, how the area will be segregated from the construction site work and future development presence, and the means, schedule, and responsible party for implementation of the plan.
5. This permit is contingent on approval by the DES Site Specific Program.
6. This permit is contingent on approval by the DES Subsurface Systems Bureau.
7. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
8. Record revised conservation easement plan by Brown Engineering entitled "Conservation Easement Overlay Plan, University Heights, Tax Map 14, Lot 14-1, NH Route 3 & 28, Hooksett, NH, Prepared For 3A Development, LLC" dated 12/16/2005, for each appropriate lot within 10 days from receipt of this decision and submit a certified receipt from the Merrimack County Registry of Deeds to the DES Wetlands Bureau.
9. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
10. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #9 of this approval.
11. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
12. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
13. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
14. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
15. Silt fencing must be removed once the area is stabilized.
16. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
17. Unconfined work within the river, exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.
18. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
19. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
20. Temporary cofferdams shall be entirely removed immediately following construction.
21. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
22. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
23. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
24. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
25. Proper headwalls shall be constructed within seven days of culvert installation.
26. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing

Areas in New Hampshire (August 1992).

27. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.

28. Work shall be done during low flow.

Wetland preservation:

1. This permit is contingent upon the execution of a conservation easement on 69.13 acres per revised conservation easement plan by Brown Engineering entitled "Conservation Easement Overlay Plan, University Heights, Tax Map 14, Lot 14-1, NH Route 3 & 28, Hooksett, NH, Prepared For 3A Development, LLC" dated 12/16/2005, as received by DES on 12/21/2005, and as specifically conditioned herein, and per revised conservation easement deed language as revised 10/26/2005, as received by DES on 11/1/2005, to be held by the Town of Hooksett, with stewardship by the Hooksett Conservation Commission.
2. The conservation easements to be placed on the preservation areas shall be written to run with the land, and both existing and future property owners shall be subject to this easement.
3. The plan noting the conservation easement with a copy of the final easement language shall be recorded with the Registry of Deeds Office for each appropriate lot. A copy of the recording from the County Registry of Deeds Office shall be submitted to the DES Wetlands Bureau prior to the start of construction.
4. The applicant shall prepare a report summarizing existing conditions within the conservation area. Said report shall contain photographic documentation of the easement area and a management plan for the easement, and shall be submitted to the DES and the grantee prior to construction to serve as a baseline for future monitoring of the easement area.
5. The conservation easement area shall be surveyed by a licensed surveyor, and marked by monuments [stakes] prior to construction.
6. The Wetlands Bureau shall be notified of the placement of the easement monuments to coordinate on-site review of their location prior to construction.
7. There shall be no removal of the existing vegetative undergrowth within the easement area and the placement of fill, construction of structures, and storage of vehicles or hazardous materials is prohibited.
8. Parking for recreational use of the conservation easement shall be confined to the area immediately adjacent to the cul-de-sac located at the junction of units 1-8 on lot 14-1-18, , and units 1-20, lot 14-1-17, in order to reduce human disturbance impacts adjacent to the easement area, until such time that College Park Dr. is formally approved by DES to be constructed as a necessary connection to the east side of Hooksett.
9. Any access to the area designated in the conservation easement as "Temporary Construction Area" shall follow the existing disturbed woods roadway in order to avoid new disturbance adjacent to the easement area and preserve a buffer to the conservation easement to prevent diminishment of its value. All appropriate Best Management Practices shall be employed in the use of this road, and it shall be returned to a stable condition of no greater disturbance than its prior condition, following completion of its immediate use, and shall not remain as an impacted construction haul road for the long-term.
10. Activities in contravention of the conservation easement shall be construed as a violation of RSA 482-A, and those activities shall be subject to the enforcement powers of the Department of Environmental Services (including remediation and fines).

With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(c), alteration of non-tidal wetlands in excess of 20,000 square feet of impact in the aggregate.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01, as stated below.
3. This is a joint project between the Town of Hooksett for implimentation of its Master Plan and 3A Development. The development of this parcel will inter-relate with the College Park Drive road construction to the east through the University Heights Marketplace property and its potential connection to the Manchester Sand and Gravel property; and will also inter-relate with proposed construction of College Park Drive Rte. 3 to Rte. 3-A connector road (permit 2005-519) construction across Rt. 3/28 to the west from the subject project.
4. The project parcel is one of 6 commercial/industrial parcels which make up the 382-acre University Heights Marketplace property, which includes single and multi-family residential parcels; commercial/industrial parcels; public use/recreation parcels; and conservation easement preservation parcels; and which also includes such municipal components as the Town Library. Development density requirements for this area are dictated by the Town of Hooksett's Master Plan, by concentrating development along the travel corridor and preserving natural areas, with the goal of attaining balanced development.
5. The density of development required of the developer for the commercial/industrial development of the overall 382-acres will largely be derived from the development of the current 24.52-acre parcel that is the subject of this approval.

6. Of the total of 69,661 square feet of wetlands impact, 56,452 square feet consists of disturbed, ditched wet meadow, and 13,209 square feet of forested wetlands. The largest wetland to be impacted (35,148 square feet) is located in the center of the developable portion of the parcel (development of the parcel's upland to the east is constrained by the steepness of the terrain), and would be virtually impossible to avoid with development of a size to meet the town requirements; or if avoided, would be left to become of no value as what started as a low value wetland would now become an isolated wetland surrounded by development.

7. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03. In addition to the findings stated above, the applicant has demonstrated that, in the overall scope of the 382-acre property, the development has been concentrated in the least viable, lowest value wetlands adjacent to existing development and bordered by travel corridors, and will compensate by preserving a total of approximately 180 acres of the most valuable uplands and wetlands overall.

8. The original impact amount has been reduced from 79,075 square feet to 69,661 square feet through design changes. Of the 69,661 square feet, 11,356 square feet will involve returning drainage currently piped to a more natural open channel system.

9. The applicant has further offset the unavoidable impacts by providing compensatory mitigation as required by Wt302.03(b), by preservation of a 69.13 acre parcel through the granting of a conservation easement on the University Heights property by 3A Development to the Town of Hooksett, which will be contiguous with an additional 115-acre conservation easement parcel provided as mitigation for wetlands permit 2002-2449, resulting in preservation of approximately 180 contiguous acres of the highest value upland/wetland complex.

10. Pursuant to the requirements for Compensatory Mitigation Ratios stated in Wt 803.05, the amount of land required to be preserved as mitigation for the 69,661 square feet of wetlands impact applied for under this application, 2005-83, is 16 acres. The amount of land required to be preserved for mitigation for the associated Town of Hooksett College Park Drive connector road, permit 2005-519, at 24,322 square feet of wetlands impact, is 5.5 acres. 3A Development is providing a 69.13 acre parcel to serve as mitigation for both permits. The size and upland to wetland ratio of this parcel exceeds the total mitigation acreage required for both projects combined by 47.63 acres.

11. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project, as described in the following findings.

12. The Hooksett Conservation Commission stated in a letter dated 3/30/2005, as received by DES on 4/5/2005, that they had no concerns or objections to the project as permitted.

13. DES personnel conducted a field inspection of the site on 6/9/2005 in coordination with the NH Fish and Game Department ("NHFG") personnel.

14. In comments dated 6/17/2005, received by DES on 6/22/2005 NHFG acknowledged the high conservation value of the mitigation area; however, opposes the potential for road construction as depicted by the conceptual road shown through the mitigation parcel to connect with Manchester Sand and Gravel land. NHFG also requested protection and management of woodcock habitat found on the southerly margin of the site, and relocation and minimization of parking impacts for recreational use associated with access to the conservation easement mitigation land.

15. In response to NHFG's comments the approval has been conditioned to include protection and management of woodcock habitat.

16. In response to NHFG's comments the approval has been conditioned to include relocation and minimization of parking location and impacts.

17. With respect to acceptance of easement with the road as shown on the conservation easement plan, DES finds that the applicant could designate a smaller parcel of land for a conservation easement away from this area and meet the rules for mitigation, and the road would still go through, only then able to be surrounded by development. DES finds that acceptance of the easement with the road ensures that a much larger area is preserved without development, with only the potential presence of the road.

2005-00661 JURY, RALPH & LOIS
ALTON Lake Winnepesaukee

-Send to Governor and Executive Council-

2005-00684 GARDNER, JEFFREY
RYE Berrys Brook

Requested Action:

Construct a 4 ft.X 40 ft. permanent pier on pilings with a 3.5 ft.X 16 ft. ramp to a 6 ft.X 16 ft. seasonal float to provide water access on 1,200 feet of shoreline frontage on Berry's Brook.

In addition, remove approximately 400 sq. ft. of accumulated debris adjacent to the historic grist mill on site and on the embankment and install plantings of indigenous salt marsh species.

Conservation Commission/Staff Comments:

The Rye Conservation Commission conducted a site-walk and report that "...the proposal has the least impact as possible and there are also mitigating factors."

Inspection Date: 07/25/2005 by Frank D Richardson

APPROVE PERMIT:

Construct a 4 ft.X 40 ft. permanent pier on pilings with a 3.5 ft.X 16 ft. ramp to a 6 ft.X 16 ft. seasonal float to provide water access on 1,200 feet of shoreline frontage on Berry's Brook.

In addition, remove approximately 400 sq. ft. of accumulated debris adjacent to the historic grist mill on site and on the embankment and install plantings of indigenous salt marsh species.

With Conditions:

1. All work shall be in accordance with plans by Ambit Engineering, Inc. dated 3/31/05, as received by the Department on April 11, 2005.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. This permit shall not be effective until it has been recorded with the Rockingham County Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
4. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. The decking of the dock shall have a minimum of 4 feet clearance from the surface of the tidal marsh and shall have 3/4-inch spacing between the decking planks.
7. DES Coastal staff shall be notified in writing prior to commencement of work and upon its completion.

With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(a).
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) and (c), Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on July 25, 2005. Field inspection determined the proposed dock is suitable for this location and will be oriented so as to minimize the impact to the scenic viewshed of this area.
6. The public hearing is waived with the finding that the project impacts will not significantly impair the resources of this estuarine wetland ecosystem.
7. The landscaping work proposed as part of this project including the removal of a shed and plantings of Rosa Rugosa does not require a permit per Rule Wt 303.05(i) Projects in Jurisdiction That Do Not Require a Permit.
8. Send to Governor and Executive Council for approval.

-Send to Governor and Executive Council-

2005-01264 THOMPSON, MICHAEL
ALTON Lake Winnepesaukee

Requested Action:

Amend permit to add four pilings to support a permanent boatlift in the center slip.

Conservation Commission/Staff Comments:

Con Com has no concerns

NH NHI and NH Fish and Game will not be submitting comments

APPROVE AMENDMENT:

Amend permit to read: Fill 450 sq ft to construct 34 linear ft of breakwater, in an "I" configuration, with a 6 ft gap at the shoreline, and a 4 ft x 35 ft cantilevered pier connected to a 6 ft by 35 ft piling supported dock by a 4 ft by 12 ft walkway, install four piles to support a permanent boatlift in the center slip and install a three piling ice cluster on 100 feet of frontage on Rattlesnake Island, on Lake Winnepesaukee, Alton.

With Conditions:

1. All work shall be in accordance with plans by Winnepesaukee Marine Construction dated May 26, 2005, revision date January 20, 2006, as received by the Department on January 23, 2006.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
4. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
5. These shall be the only structures on this water frontage and all portions of the structures, including the breakwater toe of slope, shall be at least 20 ft from the abutting property lines or the imaginary extension of those lines into the water.
6. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
7. No portion of breakwater as measured at normal full lake shall extend more than 40 feet from normal full lake shoreline.
8. The breakwater shall not exceed 3 feet in height(Elev. 507.32) over the normal high water line(Elev. 504.32).
9. The width as measured at the top of the breakwater(Elev. 507.32) shall not exceed 3 feet.
10. This facility is permitted with the condition that future maintenance dredging, if needed, shall not be permitted more frequently than once every 6 years, and that a new permit shall be required for each dredge activity.
11. The owner understands and accepts the risk that if this facility requires dredging to maintain a minimum slip depth of 3 feet, more frequently than once every 6 years, or is shown to have an adverse impact on abutting frontages, it shall be subject to removal.
12. The minimum clear spacing between pilings shall be 12 feet.
13. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483 B (see attached fact sheet).

With Findings:

1. This project is classified as a major project per Rule Wt 303.02(j), construction of a breakwater.
2. The modifications approved in this amended proposals will not increase the impact or number of slips association with the docking facility.
3. The construction of a breakwater to provide safe docking at this site is justified in accordance with Rule Wt 402.06, Breakwaters.
4. The applicant has an average of 100 feet of frontage along Lake Winnepesaukee, Alton.
5. A maximum of 2 slips may be permitted on this frontage per Rule Wt 402.12, Frontage Over 75'.
6. The proposed docking facility will provide 2 slips as defined per RSA 482-A and therefore meets Rule Wt 402.12.
7. Public hearing is waived based on prior field inspections of the site by NH DES staff with the finding that the project impacts will not significantly impair the resources of Lake Winnepesaukee.
8. Prior field inspection of this area found no evidence of sand migration along this shoreline.
9. The local Conservation Commission has no concerns with the proposed project.

-Send to Governor and Executive Council-

2005-02164 MERRIMACK, TOWN OF
MERRIMACK Baboosic Brook

Requested Action:

Dredge and fill a total of 1,848 square feet of bed and bank along 74 linear feet of Baboosic Brook to replace existing bridge and install a 150-foot retaining wall within the bank, further described as follows:

1. Permanently impact 781 square feet of bank for bank stabilization and bridge construction and;
2. Temporarily impact 1,067 square feet of bed and bank for work space.

Conservation Commission/Staff Comments:

The Merrimack Conservation Commission approves the proposed project.

APPROVE PERMIT:

Dredge and fill a total of 1,848 square feet of bed and bank along 74 linear feet of Baboosic Brook to replace existing bridge and install a 150-foot retaining wall above the top of bank, further described as follows:

1. Permanently impact 781 square feet of bank for bank stabilization and bridge construction and;
2. Temporarily impact 1,067 square feet of bed and bank for work space.

With Conditions:

1. All work shall be in accordance with plans by Vanasse Hangen Brustlin, Inc. dated August 2005, as received by the Department on January 25, 2006.
2. This permit is contingent upon the receipt and approval by the DES Wetlands Bureau of the final Erosion and Sediment Control Plan
3. The Town shall obtain temporary construction easements from affected landowners outside of the existing road right-of-way and shall supply copies of the recorded easements to DES Wetlands File No. 2005-02164 prior to construction
4. Work shall be done during annual low flow conditions and during the months of May through September. No in-stream work shall occur after October 1 unless a waiver of this condition is issued by the DES Wetlands Bureau in consultation with the NH Department of Fish and Game.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
7. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
8. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
9. Work within the stream, inclusive of work associated with installation of a cofferdam, shall be done during periods of low flow. High flows can be caused by seasonal runoff or precipitation; the permittee shall monitor local forecasts to review weather conditions.
10. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
11. Temporary cofferdams shall be entirely removed.
12. Banks shall be restored to their original grades and to a stable condition within three days of completion of construction.
13. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
14. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands. Faulty equipment shall be repaired prior to entering jurisdictional areas.

15. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
16. All refueling of equipment shall occur outside of surface waters or wetlands during construction
17. There shall be no excavation or operation of construction equipment in flowing water.
18. The applicant shall notify DES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering a wetland or surface water.
19. Post-construction photographs and as built retaining wall plans shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(1), projects that alter the course or disturb less than 200 linear of perennial stream.
2. Bridge replacement is necessary to ensure public safety for vehicular traffic.
3. Bridge replacement will eliminate current flow constriction by providing an increased hydrologic opening.
4. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
5. Bridge upgrade will utilize existing bridge area.
6. High stream velocity at the bridge area restricts vegetative growth and promotes scour. 7. To protect bridge abutments and wingwalls from scour rip-rap is needed.
8. Rip-rap areas above elevation 195.0 will be stabilized by a rip-rap vegetated slope.
9. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
10. The Merrimack Conservation Commission approves the proposed project.
11. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

2005-02387 LARSON, DONALD & MARY
MEREDITH Lake Winnepesaukee

Requested Action:

The Applicant requests reconsideration of the Department's December 16, 2005, decision to deny the request for docking facilities including a dug-in boathouse on the basis that the outstanding filing fee has been submitted and that the Department misinterpreted the Comprehensive Shoreland Protection Act, RSA 483-B.

DENY RECONSIDERATION:

Reconsider and reaffirm the December 16, 2005 decision the denial of the application to construct docking facilities including a dug-in boathouse on 200 ft of frontage on Lake Winnepesaukee, in Meredith.

With Findings:

Standards for Approval

1. In accordance with RSA 482-A:10, Appeals, I, "Any person aggrieved by a decision made by the department under RSA 482-A:3 or subject to an order of the department under RSA 482-A:6 may apply for reconsideration by the department".
2. In accordance with RSA 482-A:10, Appeals, II, "A request for reconsideration shall be filed with the department within 20 days of issuance of the department's decision or order. The request for reconsideration shall describe in detail each ground for complaint."
3. In accordance with RSA 482-A:10, Appeals, III, "On reconsideration, the department shall receive and consider any new and additional evidence presented, and shall make findings of fact and rulings of law in support of its decision after reconsideration."

Findings of Fact

4. On October 6, 2005, the NH DES Wetlands Bureau received an application for 653 sq ft of dredge within the lakebed and at least 864 sq ft of excavation of the bank and protected shoreland of Lake Winnepesaukee for the construction of a 24 ft x 36 ft dug-in boathouse and the replacement of a 6 ft x 58 ft piling pier with a 6 ft x 25 ft pier extending from a 6 ft x 17 ft 11 in walkway in an "L" configuration.
5. On December 16, 2005 the Department issued a decision to deny the requested impacts. The Department made the following three rulings in support of the decision to deny the application:
 - a. The applicant has failed to provide documentation that the proposal for a dug in boathouse is the least impacting method of providing the requested slips on this frontage, and therefore, the application is denied in accordance with Rule Wt 302.04,(d).
 - b. The issuance of a permit to excavate the shoreline to construct a dug-in boathouse would not serve to preserve the lake in it's natural state as required per RSA 483-B:2, XI, and therefore is prohibited per RSA 483-B:3, I.
 - c. The Applicant has failed to submit the filing fee as required per RSA 482-A:3.
6. The deadline to make a request for reconsideration of the Department's decision was January 5, 2006.
7. On January 9, 2006, the Wetlands Bureau received a request for reconsideration from the Applicant which included the outstanding filing fee.
8. The request for reconsideration disputes the Department's interpretation of RSA 483-B and the finding that the proposal has not been documented to be the least impacting alternative but includes no new or additional evidence in support of the original project as proposed.

Rulings in Support of the Decision

9. The Applicant has failed to submitted any new or additional evidence in support of the original proposal as required per RSA 482-A:10, therefore the Department reaffirms it decision to deny this application based on the following original findings:
 - a. The applicant has failed to provide documentation that the proposal for a dug in boathouse is the least impacting method of providing the requested slips on this frontage, and therefore, the application is denied in accordance with Rule Wt 302.04,(d).
 - b. The issuance of a permit to excavate the shoreline to construct a dug-in boathouse would not serve to preserve the lake in it's natural state as required per RSA 483-B:2, XI, and therefore is prohibited per RSA 483-B:3, I.
10. The request for reconsideration was received by the Department 24 days after the issuance of the decision and therefore fails to meet the requirement of RSA 482-A:10, II.

2005-02562 BLYE HILL LANDING HOMEOWNERS ASSOCIATION NEWBURY Lake Sunapee

Requested Action:

Permanently remove an existing 6 ft by 44 ft permanent walkway over public waters, permanently remove an existing 4 ft by 30 seasonal dock, construct three 6 ft by 30 ft permanent piling docks connected by two 6 ft by 20 ft permanent walkways in a "W" configuration, install four, 3 piling ice clusters, and install 9 tie off piles, on an average of 382 ft of frontage on Lake Sunapee, Newbury.

Conservation Commission/Staff Comments:

No Con Com comments by Jan 5, 2006

Inspection Date: 02/01/2006 by Jeffrey D Blecharczyk

APPROVE PERMIT:

Permanently remove an existing 6 ft by 44 ft permanent walkway over public waters, permanently remove an existing 4 ft by 30 seasonal dock, construct three 6 ft by 30 ft permanent piling docks connected by two 6 ft by 20 ft permanent walkways in a "W" configuration, install four, 3 piling ice clusters, and install 9 tie off piles, on an average of 382 ft of frontage on Lake Sunapee, Newbury.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction dated August 24, 2005, as received by the Department on October 24, 2005.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
4. Construction debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
5. The existing 6 ft by 44 ft walkway over public waters shall be completely removed prior to the construction of the new docking facility.
6. Repairs to these structures may be conducted, as necessary, throughout the duration of this permit provided that the Permittee notifies the Wetlands Bureau and Conservation Commission, in writing, of the proposed start and completion date prior to performing any repair.
7. Repairs shall maintain existing size, location and configuration.
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
9. This permit does not allow for maintenance dredging.
10. The dock shall not extend more than 30 ft lakeward at full lake elevation of 1094.15.
11. The minimum clear spacing between piles shall be 12 feet.
12. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This project is classified as a major project per Rule Wt 303.02(d), construction of a major docking facility.
2. The applicant has an average of 382 feet of frontage along Lake Sunapee.
3. A maximum of 6 slips may be permitted on this frontage per Rule Wt 402.12, Frontage Over 75'.
4. The proposed docking facility will provide 6 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Wt 402.12.
5. The total sq ft surface area of the existing and proposed structures over public submerged lands will not exceed the sq ft of surface area of new conforming structures which could be approved on the lot therefore Rule Wt 402.20, Modification of existing structures is waived.
6. Public hearing is waived based on field inspection, by NH DES staff, on February 1, 2006, with the finding that the project impacts will not significantly impair the resources of Lake Sunapee.

-Send to Governor and Executive Council-

MINOR IMPACT PROJECT

2005-00601 BRYSON, CARL
EAST WAKEFIELD Belleau Lake

Requested Action:

Retain a 33 ft x 20 ft beach on an average of 102 ft of frontage on Belleau Lake in Wakefield.

Conservation Commission/Staff Comments:

No Com Com comments by June 13, 2005

APPROVE AFTER THE FACT:

Retain a 33 ft x 20 ft beach on an average of 102 ft of frontage on Belleau Lake in Wakefield.

With Conditions:

1. All work shall be in accordance with plans by Land Tech dated November 28, 2005, as received by the Department on December 7, 2005.
2. The 5 ft wide terraced area with a 12 in wide retaining wall shall be constructed around the perimeter of, and immediately adjacent to, the beach, by no later than August 15, 2006.
3. The 5 ft wide terrace area shall be completely vegetated with a combination of native shrubs and ground covers
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
5. Photos documenting the completion of the 5 ft wide terrace and plantings shall submitted to the Wetlands Bureau by September 15, 2006.
6. All future activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This project is classified as a minor project per Rule Wt 303.03(k) projects which disturb between 50 and 200 linear ft of shoreline.
2. Failure to complete and vegetate the 5 ft wide terraced area will be considered a violation of RSA 482-A.
3. This approval does not preclude the State or Municipality from taking compliance action relative to the unpermitted beach and retaining wall construction previously conducted on the property.

2005-01981 SEDLARI CONSTRUCTION LLC
ALTON Unnamed Wetland

Requested Action:

Dredge and fill 7,800 square feet of wetlands, including 195 linear feet of seasonal stream, for access to a 16 lot subdivision.

Conservation Commission/Staff Comments:

The linear feet of intermittent stream impact was represented inaccurately on the application. Impact areas 1 and 2 are not seasonal streams. Approximate linear feet of stream impact is 195. See phone note 02/01/2006.

The Alton Conservation Commission concerns include the following: plans submitted did not depict proposed contours for the access road and lot development; all three proposed stream impact areas cross the access road diagonally, therefore, increasing the linear feet of impact; and the adequacy of the assessment of site drainage and hydrology impacts. A historical archeological review was also suggested. A site visit by the Department was also requested.

APPROVE PERMIT:

Dredge and fill 7,800 square feet of wetlands, including 195 linear feet of seasonal stream, for access to a 16 lot subdivision.

With Conditions:

1. All work shall be in accordance with plans by Granite State Engineering dated July 15, 2005 and revised through February 2, 2006, as received by the Department on February 7, 2006.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. This permit is contingent on approval by the DES Site Specific Program.
4. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Water Division permitting staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
5. Work shall be done in dry conditions.
6. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
7. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition # 6 of this approval.

8. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
9. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
10. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
11. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
12. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
13. Proper headwalls shall be constructed within seven days of culvert installation.
14. Culverts shall be laid at original grade.
15. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
16. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(1), alteration of less than 200 linear feet of an intermittent stream.
2. The applicant addressed the concerns of the Alton Conservation Commission in a letter to the Department dated November 7, 2005, as received by the Department on November 8, 2005.
3. Due to site configuration the proposed access way is the only town approvable configuration without significant loss of buildable upland.
4. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
5. Two of the proposed crossings are to man made wetlands.
6. The applicant has provided squash pipes or elliptical culverts where requested and increased side slopes to 2:1 to avoid and minimize the impacts to jurisdiction.
7. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
8. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

2005-02168 LITCHFIELD, TOWN OF
LITCHFIELD Unnamed Wetland

Requested Action:

Dredge and fill approximately 3,765 square feet of bed and bank along 145 linear feet of Nesenkeag Brook to replace an existing 96-inch CMP culvert with a 93-foot x 8-foot x 10-foot RCP box culvert, further described as follows:

1. Permanently impact approximately 3,285 square feet of bed and bank for culvert replacement and;
2. Temporarily impact approximately 480 square feet of bed and bank for work space.

APPROVE PERMIT:

Dredge and fill approximately 3,765 square feet of bed and bank along 145 linear feet of Nesenkeag Brook to replace an existing 96-inch CMP culvert with a 93-foot x 8-foot x 10-foot x RCP box culvert, further described as follows:

1. Permanently impact approximately 3,285 square feet of bed and bank for culvert replacement and;
2. Temporarily impact approximately 480 square feet of bed and bank for work space.

With Conditions:

1. All work shall be in accordance with plans by Vollmer Associates, LLP. dated January 30, 2006, as received by the Department on January 31, 2006.
2. The Town shall obtain temporary construction easements from affected landowners outside of the existing road right-of-way and shall supply copies of the recorded easements to DES Wetlands File No. 2005-02168 prior to construction

3. Work shall be done during annual low flow conditions and during the months of May through September. No in-stream work shall occur after October 1 unless a waiver of this condition is issued by the DES Wetlands Bureau in consultation with the NH Department of Fish and Game.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
6. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
7. Work within the stream, inclusive of work associated with installation of a cofferdam, shall be done during periods of low flow. High flows can be caused by seasonal runoff or precipitation; the permittee shall monitor local forecasts to review weather conditions.
8. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
9. Temporary cofferdams shall be entirely removed upon the completion of construction.
10. Materials used to emulate a natural channel bottom within the culvert, between wingwalls and beyond must be rounded and smooth stones similar to the natural stream substrate and shall not include angular rip-rap or gravel.
11. Banks shall be restored to their original grades and to a stable condition within three days of completion of construction.
12. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
13. There shall be no excavation or operation of construction equipment in flowing water.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(1), alteration of less than 200 linear feet of a perennial stream.
2. The applicant agreed to replace the existing 96-inch CMP with a box culvert as requested by the Department of Fish and Game.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

2005-02451 LABRADOR ENTERPRISES LLC
WINDHAM Unnamed Wetland

Requested Action:

Dredge and fill 9,796 sq. ft. of scrub-shrub wetlands to replace parking area for this collision center and service station lost due to the road widening of NH Rte 28 by the NH DOT.

Conservation Commission/Staff Comments:

The Windham Conservation Commission is not opposed to the project provided that no damaged or potentially leaking vehicles will be in the proposed storage area.

APPROVE PERMIT:

Dredge and fill 9,796 sq. ft. of scrub-shrub wetlands to replace parking area for this collision center and service station lost due to the road widening of NH Rte 28 by the NH DOT.

With Conditions:

1. All work shall be in accordance with plans by TFMoran, Inc. dated September 15, 2005, as received by the Department on October 13, 2005.
2. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for other construction activities.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction,

- and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
 5. This parking area shall be used for completely repaired and/or undamaged vehicles only.
 6. No damaged and/or potentially leaking vehicles awaiting repair shall be stored in this area whatsoever.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(h).
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

2005-02858 ROY, NORMAN
GOFFSTOWN Unnamed Wetland

Conservation Commission/Staff Comments:

1. The conservation commission requested a 40-day review extension.
2. The conservation commission did not submit comments.

APPROVE PERMIT:

Dredge and fill approximately 300 square feet of forested wetlands for driveway access to one lot (Lot 36-7-25) of a previously approved subdivision. Work includes installation of one crossing containing a 18-inch x 28 foot corrugated plastic culvert and associated grading.

With Conditions:

1. All work shall be in accordance with plans by DK Engineering Associates, Inc., dated January 9, 2006, as received by the Department on February 3, 2006.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. Work shall be done during low or no flow conditions.
4. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
5. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
6. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
9. Proper headwalls shall be constructed within seven days of culvert installation.
10. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
11. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(e), alteration of less than 20,000 sq ft of nontidal jurisdictional wetlands.
2. The project is classified as a minor impact project due to the cumulative impacts associated with the previous Wetlands Bureau permit #2004-00618 for a subdivision road and one driveway.

3. The new impact does not change the classification of the previous Wetlands Bureau permit.
4. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
5. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
6. The conservation commission requested a 40-day review extension.
7. The conservation commission did not submit comments.
8. The conservation commission waived its right to intervene on the previous Permit By Notification (File #2005-2623) filed for the proposed crossing.
9. The previous Permit By Notification was disqualified due to Wetlands Bureau permit #2004-00618 and the identification by the New Hampshire Fish & Game Department (NHFG) of a species of special concern, threatened or endangered near or on the proposed project site.
10. NHFG requested that the applicant reduce the width of the crossing.
11. The culvert length has been reduced by 4 feet.

2006-00115 BANK, EUGENE & ROBERT SHERMAN
BRIDGEWATER Newfound Lake

Requested Action:

Remove 8.33 cu yd portion of existing 6 ft 25 jetty extending from existing nonconforming boathouse and remove nonconforming 8 ft x 36 ft seasonal dock with 6 ft x 8 ft parallel extension and 6 ft x 16 ft walkway, replace with a 6 ft x 40 ft seasonal pier and add a 6 inch refacing to the existing retaining wall and boathouse foundation on 135 ft of frontage in Bridgewater on Newfound Lake.

APPROVE PERMIT:

Remove 8.33 cu yd portion of existing 6 ft 25 jetty extending from existing nonconforming boathouse and remove nonconforming 8 ft x 36 ft seasonal dock with 6 ft x 8 ft parallel extension and 6 ft x 16 ft walkway, replace with a 6 ft x 40 ft seasonal pier and add a 6 inch refacing to the existing retaining wall and boathouse foundation on 135 ft of frontage in Bridgewater on Newfound Lake.

With Conditions:

1. All work shall be in accordance with plans by Docks Unlimited, as received by the Department on January 20, 2006.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Retaining wall and boathouse foundation refacing not exceed the proposed 6 in width.
4. Future repairs to the concrete structures shall be performed in a manner that reduces the structural dimensions back to the preexisting dimensions.
5. Proposed seasonal pier shall be removed from the lake for four months during the non-boating season.
6. No portion of the pier shall extend more than 40 feet from the shoreline at full lake elevation.
7. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if DES later determines that these "existing structures" were not previously permitted or grandfathered.
8. These shall be the only structures on this water frontage and all portions of the proposed seasonal dock shall be at least 20 ft from the abutting property lines or the imaginary extension of those lines into the water.
9. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
10. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
11. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(j), Repair or replacement of existing retaining walls.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.

4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
- 5 Rule Wt 402.20 Modification of existing structures has been addressed through the removal of the 8.33 cu yd of jetty.

MINIMUM IMPACT PROJECT

2004-02255 CAGGIANO, STEVEN
NEW BOSTON Unnamed Wetland

Requested Action:

Permanently remove (3) 24" by 20' culverts and replace with a 96" by 48" box culvert impacting approximately 500 square feet of the bed and banks of an unnamed perennial stream to provide residential access. The box culvert shall have a natural substrate placed on the bottom of the culvert to match existing grade.

Conservation Commission/Staff Comments:

Conservation Commission stated erosion problems existed at time of site walk, and the driveway was built in a conservation easement.

APPROVE PERMIT:

Permanently remove (3) 24" by 20' culverts and replace with a 96" by 48" box culvert impacting approximately 500 square feet of the bed and banks of an unnamed perennial stream to provide residential access. The box culvert shall have a natural substrate placed on the bottom of the culvert to match existing grade.

With Conditions:

1. All work shall be in accordance with plans by Todd Land Use Consultants revised plan, as received by the Department on February 1, 2006.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
4. The plan noting the conservation easement with a copy of the final easement language shall be recorded with the Registry of Deeds Office for the subject property lot. A copy of the recording from the County Registry of Deeds Office shall be submitted to the DES Wetlands Bureau prior to the start of construction.
5. Work shall be done during low flow.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Proper headwalls shall be constructed within seven days of culvert installation.
8. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. Area shall be regraded to original contours following completion of work.
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(z), to provide access to a single family residence.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.

4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The project design will replicate a natural stream channel substrate.

2005-00614 FAY, ALEXANDER
NEW DURHAM Merrymeeting Lake

Requested Action:

Remove 8.33 cubic yards of concrete dock on 130 feet of frontage on Merrymeeting Lake, New Durham.

APPROVE PERMIT:

Remove 8.33 cubic yards of concrete dock on 130 feet of frontage on Merrymeeting Lake, New Durham.

With Conditions:

1. All work shall be in accordance with plans by Alexander Fay as received by the Department on January 20, 2005.
2. Dredged material and concrete debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau, and removed fill shall not be disposed in deeper water.
3. This permit does not allow the addition of more fill to be place along the shoreline.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
6. Work shall be done during drawdown.
7. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This project is deemed to be a minimum impact project in accordance with Administrative Rule Wt 303.03(o).
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

2005-00971 NH DEPT OF TRANSPORTATION
WILTON Unnamed Stream

Requested Action:

Replace a 12 in. x 50 ft. culvert with an 18 in. x 50 ft. culvert in a seasonal stream and install an 18 in. x 79 ft. culvert from a dry basin impacting 1,560 sq. ft. (1,360 sq. ft. temporary).

Conservation Commission/Staff Comments:

Cons. Comm. - no comments

River Comm. - no comments

APPROVE PERMIT:

Replace a 12 in. x 50 ft. culvert with an 18 in. x 50 ft. culvert in a seasonal stream and install an 18 in. x 79 ft. culvert from a dry basin impacting 1,560 sq. ft. (1,360 sq. ft. temporary). NHDOT project #M415-1.

With Conditions:

1. All work shall be in accordance with plans by NHDOT dated 02/05 as received by the Department on May 10, 2005.
2. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
4. Construction equipment shall not be located within surface waters.
5. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
7. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
8. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
9. Proper headwalls shall be constructed within seven days of culvert installation.
10. Work shall be done during low flow.

2005-01632 LESTER, JOHN
WARREN Unnamed Wetland

Requested Action:

Dredge and fill 800 square feet of wetlands for pond construction and installation of a dry hydrant and geothermal heating system.

Conservation Commission/Staff Comments:

1. The discharge of water from the geothermal heating system requires a Registration and Notification From for Floor Drains and Discharges to Groundwater from the DES Water Supply Engineering Bureau.
2. The withdrawal of water for the geothermal heating system does not require a water withdrawal permit from DES.
3. No permits from the National Pollutant Discharge Elimination System permit program are required for the withdrawal or discharge of water from and to man-made pond.

APPROVE PERMIT:

Dredge and fill 800 square feet of wetlands for pond construction and installation of a dry hydrant and geothermal heating system.

With Conditions:

1. All work shall be in accordance with plans by Sanbourn Surveying, Inc., as received by the Department on July 14, 2005 and plans by Water Distributors, Inc., as received by the Department on January 18, 2005.
2. This permit is contingent on approval by the DES Water Supply Engineering Bureau.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. Appropriate erosion, siltation and turbidity controls shall be installed prior to construction, shall be maintained during construction, and shall remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Machinery shall not be located within surface waters, where practicable.
6. Machinery shall be staged and refueled in upland areas.
7. Dredged spoils shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
9. Within three calendar days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
10. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(p), construction of a pond with less than 20,000 square feet of wetlands impact.
2. The discharge of water from the geothermal heating system requires a Registration and Notification Form for Floor Drains and Discharges to Groundwater from the DES Water Supply Engineering Bureau.
3. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
4. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
5. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2005-02070 SHATTUCK WAY ASSOCIATES LLC
NEWINGTON Unnamed Wetland

Requested Action:

Dredge and fill 2,839 square feet of isolated wetlands for lot development of a commercial property.

Conservation Commission/Staff Comments:

Conservation Commission does not object.

APPROVE NAME CHANGE:

Dredge and fill 2,839 square feet of isolated wetlands for lot development of a commercial property.

With Conditions:

1. All work shall be in accordance with plans by Shattuck Way Associates LLC dated 9/1/2005, as received by the Department on 9/2/2005.
2. This permit is contingent on approval by the DES Site Specific Program.
4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
5. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
6. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
9. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
10. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
11. Silt fencing must be removed once the area is stabilized.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), alteration of less than 3,000 square feet of swamps or wet meadows.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01. The wetland is located in an unavoidable location on a commercial lot in a developed commercial area.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03. This wetland is vegetated with purple loosestrife and has marginal function, primarily stormwater management, which will be replaced by site stormwater engineering.

4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
Even if the site was developed around this wetland, it would be so isolated as to have essentially no function left.

**2005-02111 NH DEPT OF TRANSPORTATION
NEW CASTLE Piscataqua River**

Requested Action:

Repair eroded pavement shoulder along 157 linear feet (489 sq. ft.) of existing bank within the Tidal buffer zone.

APPROVE PERMIT:

Repair eroded pavement shoulder along 157 linear feet (489 sq. ft.) of existing bank within the Tidal buffer zone. NHDOT project #M610.

With Conditions:

1. All work shall be in accordance with plans by NHDOT dated 7-19-05 as received by the Department on September 8, 2005.
2. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
3. Construction equipment shall not be located within surface waters.
4. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
5. There shall be no further alteration to wetlands or surface waters without amendment of this permit.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(j), projects within the right of way of a public road impacting previously disturbed tidal buffer zone.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. State threatened species noted is more than 500 ft. from the project area.

**2005-02112 NH DEPT OF TRANSPORTATION
STRAFFORD Unnamed Stream**

Requested Action:

Replace a 48 in. x 49 ft. culvert impacting 340 sq. ft. (64 sq. ft. temporary) of a stream.

APPROVE PERMIT:

Replace a 48 in. x 49 ft. culvert impacting 340 sq. ft. (64 sq. ft. temporary) of a stream. NHDOT project #M602.

With Conditions:

1. All work shall be in accordance with plans by NHDOT dated 8-29-05 as received by the Department on Sept. 8, 2005.
2. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
4. Construction equipment shall not be located within surface waters.
5. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be

stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

6. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

7. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.

8. There shall be no further alteration to wetlands or surface waters without amendment of this permit.

9. Proper headwalls shall be constructed within seven days of culvert installation.

10. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; and c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.

11. Work shall be done during low flow.

**2005-02757 UNITIL ENERGY SYSTEMS INC, HAMPTON
HAMPTON Hampton Flats**

Requested Action:

Dredge and fill 135 sq. ft. in tidal wetlands and/or the tidal buffer zone within the power line R.O.W. for required maintenance and/or replacement of 54 existing power transmission line poles to be in compliance with current National Electrical Safety Code Standards.

Conservation Commission/Staff Comments:

The Hampton Conservation Commission "... does not oppose the granting of a wetlands permit for work within the salt marsh for utility pole replacement and repairs."

APPROVE PERMIT:

Dredge and fill 135 sq. ft. in tidal wetlands and/or the tidal buffer zone within the power line R.O.W. for required maintenance and/or replacement of 54 existing power transmission line poles to be in compliance with current National Electrical Safety Code Standards.

With Conditions:

1. All work shall be in accordance with plans by J.A.Davis & Associates dated 10/27/2005, as received by the Department on November 16, 2005.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
4. Low ground pressure tracked equipment shall be utilized for the placement of new replacement poles.
5. Work will be performed during the winter months when the ground is frozen to minimize impact to the salt marsh.
6. Excavated material from the new cored replacement pole location shall be "tamped/ packed" back into and around the new replacement poles. No excavated soil material or debris whatsoever shall be left on the salt marsh.
7. Upon completion of work the DES Wetlands Bureau Southeast Region staff shall be contacted to meet on site with the permittee and/or agent for the project to inspect all locations for compliance with the conditions set forth herein.
8. Any rutting or other disturbance of the surface of the salt marsh will require restoration.

**2005-03035 TRANSCANADA HYDRO NORTHEAST INC
HINSDALE Connecticut River**

Requested Action:

Maintenance dredge silt and woody debris from the trash racks and draft tubes of a hydroelectric dam and construct temporary sheet-pile cofferdams, temporarily impacting approximately 2,930 square feet of the bed of the Connecticut River, in preparation for the future replacement of four turbine generating units.

APPROVE PERMIT:

Maintenance dredge silt and woody debris from the trash racks and draft tubes of a hydroelectric dam and construct temporary sheet-pile cofferdams, temporarily impacting approximately 2,930 square feet of the bed of the Connecticut River, in preparation for the future replacement of four turbine generating units.

With Conditions:

1. All work shall be in accordance with plans by Hatch Acres Corporation dated December 8, 2005, as received by the DES Wetlands Bureau on December 23, 2005 and the narrative entitled "Vernon Hydroelectric Station Project Description" by TransCanada and The Louis Berger Group, Inc., as received by the DES Wetlands Bureau on February 6, 2006.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
4. Dredging shall remove only material down to the base of the dam and not impact the river bed.
5. Extreme caution should be taken to avoid releases of turbidity to the river during dredging.
6. Dredged material shall be dewatered in settling basins that are located outside of the jurisdiction of the DES Wetlands Bureau and lined with acceptable sediment trapping liners.
7. Prior to commencing work on the dam, cofferdams shall be constructed to isolate the work area from the river. Once a cofferdam is fully effective, confined work can proceed without restriction.
8. Dredging and cofferdam construction shall be done so as not to impede fish migrations or interfere with fish spawning areas.
9. Discharge from dewatering of work areas shall be to settling basins that are located outside of the jurisdiction of the DES Wetlands Bureau and lined with acceptable sediment trapping liners.
10. Temporary cofferdams, sandbags, and hay bales shall be entirely removed immediately following construction completion.
11. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.
12. Faulty equipment shall be repaired prior to entering jurisdictional areas.
13. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
14. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(l), temporary cofferdams and other water control devices constructed in flowing water or adjacent to dams in conjunction with the repair or maintenance of existing structures. Temporary cofferdams means temporary watertight enclosures built in the water and pumped dry to expose the bottom so that construction may be undertaken. All such work shall be designed and supervised by a professional engineer and shall be removed upon completion of repair and/or maintenance.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01. For approximately 13 years, four turbine generating units in the hydroelectric dam have been either retired or been in disrepair due to their age and outdated design. Maintenance dredging of silt and woody debris from the trash racks and draft tubes of the dam and construction of temporary sheet-pile cofferdams is being conducted in preparation for replacement of the four turbine generating units.
3. Future impacts associated with the turbine generating unit replacement project will be addressed in a separate application to the DES Wetlands Bureau.
4. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the DES Wetlands Bureau's jurisdiction per Wt 302.03.
5. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
6. Silt and woody debris have accumulated in front of the trash racks and in the draft tubes of the dam and must be removed before cofferdams can be installed. Typically, the woody debris is removed by a trash rake; however, the debris is encased in silt due to four of the turbine generating units being out of service for approximately 13 years.
7. On the upstream side of the dam, the silt will be removed using a barge and crane-mounted clam shell bucket. The clam shell

will be used to remove the silt and woody debris and deposit the material into dumpsters on the barge. Adjacent generating units will be shut down to eliminate flow reducing the opportunity for silt to drift. This process will only remove material down to the base of the dam. Divers will be directing the operation to ensure that the clam shell removes only the debris in front of the trash racks and does not dredge the river bed. The dewatered material will be transported to an approved landfill.

8. On the downstream side of the dam, the silt will be removed from the draft tubes using a dredging pump. The silt will be deposited into a settling basin and the dewatered material will be transported to an approved landfill.

9. Temporary cofferdams will be installed to maintain the work site in a dewatered condition for future replacement of the four turbine generating units. The cofferdams will be removed following construction completion.

10. The applicant intends to install the cofferdams no later than June 1, 2006 to avoid migratory fish passage periods.

11. The proposed cofferdams will be installed on the concrete footing at the base of the dam and attached to concrete piers and not the river bed.

12. The cofferdam design will be vertical steel sheet piles supported by horizontal steel wales and vertical struts. The upper sections of the structures at the head water side will be supplemented with sand bags as required. Sealing of the cofferdams at the toe of the sheet piles will be achieved with grout bags and tremie concrete. Sealing of the sheet piles against existing concrete walls will be achieved by timber lath and PVC sheeting.

13. Any inflow into the work area will be pumped to a settling basin constructed at the downstream side of the dam above the existing fishway. The basin will serve as a temporary settling pond for water pumped out from the work area and as a temporary storage area for associated sediments and construction debris. Water will seep from the settling basin, through a containing filter fabric, through secondary hay bales installed in the fishway, and back to the river. Material deposited in the settling basin will be periodically transported to an approved landfill.

14. Upon removal of the settling basin, hay bales will remain in place so that any material that may escape is contained. Hay bales will be removed when all material is contained.

15. The Connecticut River Joint Commissions has no objections to the applicant's proposal.

16. The Nongame and Endangered Wildlife Program of the NH Fish and Game Department (NHFGD) identified that the proposed project has the potential to impact anadromous fish that use the Connecticut River and an active bald eagle nest approximately 1,125 feet downstream of the dam. To minimize impacts to these species, NHFGD originally requested that active construction occur within the river between November 1 and April 1. On January 25, 2006, the applicant met with the US Fish and Wildlife Service (USFWS) and NHFGD to address potential wildlife impacts. The parties concluded that disturbance and excessive noise from construction activities should be minimal and the original date restrictions were removed.

17. The applicant has consulted with the USFWS and the NHFGD to determine a satisfactory construction schedule that should not affect passage for both up and downstream migratory fish.

**2006-00185 40 BUTTRICK ROAD LLC, ELLIOT HEALTHCARE SYSTEM
LONDONDERRY Unnamed Wetland**

Conservation Commission/Staff Comments:

The Londonderry Conservation Commission recommended approval the proposed project.

APPROVE PERMIT:

Dredge and fill approximately 595 square feet of palustrine emergent wetlands to create turning lanes from Mammoth Road onto Buttrick Road for access to proposed medical offices. Work includes side slope grading and filling, installation of an 18-inch x 54 foot RCP, headwalls and riprap aprons.

With Conditions:

1. All work shall be in accordance with plans by CLD Consulting Engineers, Inc., dated January 18, 2006, as received by the Department on January 25, 2006 and narratives prepared by Gove Environmental Services, Inc., dated January 2006, as received by the Department on January 25, 2006.
2. This permit is contingent on approval by the NHDOT for the proposed work within the NHDOT right of way.
3. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require further permitting by the Bureau.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Proper headwalls shall be constructed within seven days of culvert installation.

6. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
7. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
8. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
9. Standard precautions shall be taken to prevent import or transport of soil or seed stock from nuisance, invading species such as purple loosestrife or Phragmites.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), alteration of less than 3,000 square feet in swamps or wet meadows.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The project is part of the offsite improvements required to create turning lanes from Mammoth Road onto Buttrick Road for access to proposed medical offices on Buttrick Road.
6. The applicant has addressed concerns with New Hampshire Fish & Game Department regarding possible impacts to New England Cottontail habitat related to the proposed medical office facility.

FORESTRY NOTIFICATION

2006-00170 RZEPA, WILLIAM
NEW IPSWICH Unnamed Stream

COMPLETE NOTIFICATION:
New Ipswich Tax Map 9, Lot# 3

2006-00179 NICKERSON, LEROY/ MARTHA
ALTON Unnamed Wetland

COMPLETE NOTIFICATION:
Alton Tax Map 8, Lot# 4

2006-00181 FOWLER, STEVE/ PATRICIA
PEMBROKE Unnamed Stream

COMPLETE NOTIFICATION:

Pembroke Tax Map 935, Lot# 12

2006-00182 SHORES, IRENE
DEERFIELD Unnamed Stream

COMPLETE NOTIFICATION:
Deerfield Tax Map 405, Lot# 53

2006-00190 PRICE, BEATRICE & BONNIE TAYLOR
STODDARD Unnamed Stream

COMPLETE NOTIFICATION:
Stoddard Tax Map 419, Lot# 13.1

2006-00193 MAJOR WALDRON'S SPORTSMAN CLUB, MIKE MOHOKIAN
BARRINGTON Unnamed Wetland

COMPLETE NOTIFICATION:
Barrington Tax Map 237, Lot# 4

2006-00194 PERRY, JOHN & SIOE-HOEN
FRANCESTOWN Unnamed Stream

COMPLETE NOTIFICATION:
Francetown Tax Map 7 & 8, Lot# 13 / 27 & 20

2006-00198 ANDERSON, NORMA
NEW IPSWICH Unnamed Stream

COMPLETE NOTIFICATION:
New Ipswich Tax Map 8, Lot# 6, 6-1 & 6-2

2006-00199 BEAVER BROOK ASSOCIATION
MILFORD Unnamed Stream

COMPLETE NOTIFICATION:
Milford Tax Map 41, Lot# 38

2006-00203 KENNEBEC WEST FOREST LLC, JOHN SUTTON
DUMMER Unnamed Wetland

COMPLETE NOTIFICATION:
Dummer Tax map R1, Lot# 1

2006-00204 DH HARDWICK & SONS INC
FRANCESTOWN Unnamed Wetland

COMPLETE NOTIFICATION:
Francestown Tax Map 8, Lot# 33 & 35

2006-00205 HERTEL, VAN
GILFORD Unnamed Wetland

COMPLETE NOTIFICATION:
Gilford Tax Map 272, Lot# 3

2006-00207 NH FISH & GAME DEPARTMENT
ENFIELD Unnamed Wetland

COMPLETE NOTIFICATION:
Enfield Tax Map 10, Lot # 4

2006-00209 EMRO, DIANE
ROCHESTER Unnamed Wetland

COMPLETE NOTIFICATION:
Rochester Tax Map 219, Lot# 25

2006-00210 WINKLER, AMY
NEWPORT Unnamed Wetland

COMPLETE NOTIFICATION:
Newport Tax Map 52, Lot# 2416

2006-00222 SUMMERS, MICHAEL
MARLBOROUGH Unnamed Stream

COMPLETE NOTIFICATION:
Marlboro Tax Map 3, Lot# 40

2006-00225 VENTURA, BERT
NEWBURY Unnamed Stream

Inspection Date: 02/28/2006 by Linda M Magoon

COMPLETE NOTIFICATION:
Newbury Tax Map 46, Lot# 712-14

EXPEDITED MINIMUM

2005-01740 TAFT, RICHARD
HAMPSTEAD Sunset Lake

Requested Action:

Construct a 4 ft by 20 ft seasonal dock on leased frontage from the town of Hampstead on Wash Pond.

Conservation Commission/Staff Comments:

Con Com signed Exp Application

NH NHI and NH Fish and Game will not be submitting comments

With Findings:

Standards for Approval

1. In accordance with RSA 482-A:3, Excavating and Dredging Permits, "[n]o person shall excavate, remove, fill, dredge or construct any structures in or on any bank, flat, marsh, or swamp, or in an adjacent to any waters of the state without a permit from the department."
2. This project is classified as a major impact per Rule Wt 303.02(d), construction of a major docking system defined by Wt 101.2.
3. In accordance with Rule Wt 302.04(a), Requirements for Application Evaluation, the applicant is required to demonstrate "the need for the proposed impact."
4. In accordance with Rule Wt 402.12, Frontage Over 75', a maximum of 9 boat slips may be permitted on 600 ft of frontage.

Findings of Fact

5. On July 29, 2005 the Department received an application for impacts, on the lot identified as Hampstead tax map 9, lot 12,(the "Lot") to install a 4 ft by 20 ft seasonal dock on Wash Pond.
6. The information submitted with the original application indicates that the proposed pier is to be installed on a separate lot having 600 ft of frontage on Wash Pond.
7. On September 15, 2005, the Department sent a Request for More Information letter requesting information on the ownership of the frontage on which the pier was to be installed and a plan showing all existing structures on that frontage.
8. On January 17, 2006, the Department received information from the applicant which indicated that 5 other docking structures, providing 10 slips, currently exist on the frontage.
9. The addition of the proposed dock would increase the number of slips on this 600 ft of frontage to 12.

Rulings in Support of the Decision

10. The addition of a docking structure providing 2 more boat slips, 12 slips in total, fails to meet the requirements of Rule Wt 402.12, therefore the application is denied.

2005-02248 NH BALL BEARINGS INC
PETERBOROUGH Unnamed Wetland

Requested Action:

Temporary impact of approximately 2,050 square feet of palustrine emergent wetlands in a utility right-of-way easement for the replacement of two (2) wood-pole structures and the use of swamp mats for associated access along an existing electric aerial power line.

Conservation Commission/Staff Comments:

Conservation Commission signed; no comments.

APPROVE AMENDMENT:

Temporary impact of approximately 2,050 square feet of palustrine emergent wetlands in a utility right-of-way easement for the replacement of two (2) wood-pole structures and the use of swamp mats for associated access along an existing electric aerial power line.

With Conditions:

1. All work shall be in accordance with plans by Public Service of New Hampshire dated July 22, 2005, as received by the DES Wetlands Bureau on February 7, 2006.
2. Any future work in the utility right-of-way that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. Maintenance work shall maintain existing size, location and configuration.
4. Wetland boundaries shall be clearly marked adjacent to construction areas to prevent accidental encroachment on adjacent wetlands.
5. Equipment used shall be designed to have low ground contact pressure or placed on temporary swamp mats so as to minimize rutting of the soils. Swamp mats shall be removed immediately upon completion of work in a particular area so as not to result in permanent impacts.
6. Upon removal, the old wood-pole structures shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. The contractor shall cut the old wood-pole structures off at ground level.
8. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
9. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
10. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
11. Silt fence(s) must be removed once the area is stabilized.
12. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
13. Construction shall be inspected by a qualified wetland scientist, erosion control specialist, or professional engineer to ensure that appropriate protective measures are properly implemented, including those outlined in the plans and documents supporting this permit application and the conditions of this authorization.
14. All temporary impacts to wetlands shall be restored to natural grade, stabilized, and replanted with native vegetation where necessary.
15. Any clearing required in utility line rights-of-way shall be in accordance with the "Best Management Practices for Erosion Control on Timber Harvesting Operations in New Hampshire." Timber, slash and/or chips shall be removed from wetland areas and shall not be buried in wetlands.
16. Wetland topsoil shall be stripped and segregated from subsoil and stockpiled separately from subsoil during construction. Soils shall be properly backfilled and restored to pre-existing grades.
17. Wetland restoration of temporary impact areas shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or they shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.
18. The right-of-way shall be monitored and a written report documenting its condition shall be submitted to the DES Wetlands Bureau by July 15 of the year following project completion. The report shall include photographic documentation. The DES Wetlands Bureau shall require subsequent monitoring and may require corrective measures if the right-of-way is not adequately stabilized and restored.
19. Wetland restoration shall not be considered successful if sites are newly invaded by nuisance species such as common reed or purple loosestrife during the first full growing season following project completion. The applicant shall work with the DES Wetlands Bureau to attempt to eradicate nuisance species newly found along the right-of-way during this same period.
20. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.
21. Faulty equipment shall be repaired prior to entering jurisdictional areas.
22. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each

operator shall be trained in its use.

23. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), Projects involving alteration of less than 3,000 square feet in swamps or wet meadows that are not in prime wetlands or do not meet the requirements of Wt 303.02(k), provided that no previous department permit has placed restrictions on the property of the applicant.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01. The wood-pole structures require replacement in order to continue to provide reliable electrical service to a nearby industrial facility.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the DES Wetlands Bureau's jurisdiction per Wt 302.03. The applicant has proposed conducting the work using low ground contact pressure equipment and swamp mats via the shortest access routes possible.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The Local Advisory Committee of the Contoocook River was notified of the project but did not comment within the allotted time period.
6. The Nongame and Endangered Wildlife Program of the NH Fish and Game Department did not have record of any rare or endangered species near the project area.

**2005-02321 MORRISSETTE 2000 TRUST, LISA
LACONIA Lake Winnepesaukee**

Requested Action:

Appellant requests reconsideration of December 22, 2005 decision to deny a permit for perched beach construction based on revised design submitted January 24, 2006.

Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE RECONSIDERATION:

Reconsider and approve request to: Construct a 900 sqft perched beach on 150 ft of frontage on Lake Winnisquam, Laconia.

With Conditions:

1. All work shall be in accordance with plans by Harold E Johnson Inc. dated June 14, 2005, revision date December 30, 2005, as received by the Department on January 24, 2006.
2. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
3. Dredged or excavated material shall be placed outside of the DES Wetlands Bureau jurisdiction.
4. Stone placed along the beach front for the purpose of retaining sand shall be placed above and/or landward of those rocks currently located along the normal high water line (Elevation 483). Those rocks existing at the normal high water line shall remain otherwise undisturbed such that the natural shoreline remains identifiable.
5. No more than 10 cu yd of sand may be used and all sand shall be located above the normal high water line.
6. This permit shall be used only once, and does not allow for annual beach replenishment.
7. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
8. Revegetation of trees, shrubs and ground covers representing the density and species diversity of the existing stand of vegetation removed for this project shall begin at a distance no greater than 5 feet landward from the beach area.
9. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(d), construction of a beach.
2. The placement of the beach is not located in slopes of greater than 25%.

2005-02599 PSNH, RICHARD PERRON
MANCHESTER Unnamed Wetland

APPROVE AMENDMENT:

Dredge and fill approximately 890 sq. ft. of scrub/shrub wetlands and install "Dura-Base Composite Mat System", a temporary matting system, to install 40 new transmission line wood poles and remove existing poles within the transmission line right of way as part of a transmission line upgrade.

With Conditions:

1. All work shall be in accordance with plans and narratives submitted by Public Service of New Hampshire, narratives dated October, 2005 and plans dated June 7, 2005, as received by the Department on October 24 and 28, 2005 and November 21, 2005 and amended narratives dated February 2, 2006 and amended plans dated February 1, 2006, as received by the Department on February 3, 2006.
2. All work shall take place during frozen ground conditions or by the use of approved "Dura-Base Composite Mat System" ("temporary matting system") as proposed in narratives and plans received by the Department on February 3, 2006.
3. The applicant shall notify the Department five days prior to the installation of the temporary matting system.
4. The temporary matting system shall be removed before the beginning of the 2006 growing season. The applicant shall notify the Department within five days after removal of the temporary matting system.
5. This permit is contingent on the applicant submitting pre- and post-construction monitoring reports prepared by a NH Certified Wetland Scientist (CWS). The reports shall include, but not be limited to, photographs and narratives depicting the status of the wetland areas that will contain the proposed temporary matting systems. The pre-construction report shall be submitted to the Department prior to installation of the temporary matting system. Post-construction monitoring reports shall be submitted upon installation of the temporary matting system, within five days following the removal of the temporary matting system and at the end of the first growing season following completion of the transmission line installation.
6. To prevent the introduction of invasive plant species to the site, the contractor(s) shall clean all soils and vegetation from construction equipment and matting before it is moved to the site.
7. There shall be no impacts to wetland soils, wetlands hydrology or surface waters from the installation of the temporary matting system.
8. Any impacts to wetlands or surface waters from the installation of the temporary matting system shall be restored in-kind within one growing season of the completion of the transmission line. A restoration plan shall be prepared by a CWS and submitted to the Department for approval prior to conducting any restoration activities.
9. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
10. Wetland and surface water boundaries shall be clearly marked adjacent to construction areas to prevent accidental encroachment on adjacent wetlands and surface waters.
11. Siltation/erosion controls shall be placed at the limits of construction in all areas where work in uplands is within 20' of the wetland boundary to prevent accidental encroachment on adjacent wetlands.
12. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
13. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
14. All other matting shall be utilized only under frozen ground conditions and shall be removed before thawing occurs.
15. Pole removal shall consist of cutting the poles off at ground level and shall not involve any excavation. Pole removal shall be conducted only under frozen ground conditions or by access from the temporary matting system.
16. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application or further permitting by the Bureau.
17. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.
18. Faulty equipment shall be repaired prior to entering jurisdictional areas.
19. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
20. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), alteration of less than 3,000 square feet in swamps or wet meadows.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the Department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The Department has determined that the temporary matting system, as proposed by the applicant, will have no impact or at most no more impact to wetlands than working under frozen ground conditions.
6. The wetlands which will contain the temporary matting system have been classified by the applicant's Certified Wetland Scientist as Palustrine, Scrub-Shrub, Broad Leaf Deciduous, Seasonally Flooded-Saturated (PSS1E) wetlands.
7. The Natural Heritage Bureau has identified a seasonally flooded red maple swamp, an exemplary natural community, on a portion of the project area. The primary threat to this type of community is changes in water level in the adjacent stream and introduction of invasive species.
8. The proposed project will be conducted within a maintained transmission line right of way, under frozen ground conditions or by the use of a "Dura-Base Composite Mat System", temporary matting system, and there are no proposed changes to water levels on the site or the adjacent stream.
9. The construction equipment and temporary matting system will be cleaned of soils and vegetation before entering the site to prevent the introduction of invasive plant species.
10. The New Hampshire Fish & Game Department had no concerns with the project as proposed, as long as the work is conducted under frozen ground conditions and there is no work within the Merrimack River Corridor.
11. The temporary matting system will be used during winter months/conditions and removed before the start of the 2006 growing season.

2006-00065 LUCAS, STEPHEN
HOOKSETT Unnamed Wetland

Requested Action:

Temporarily impact 250 square feet of palustrine forested wetland for extension of an existing municipal water service line to an existing single family residence.

Conservation Commission/Staff Comments:

The Hooksett Conservation Commission signed this minimum impact application.

APPROVE PERMIT:

Temporarily impact 250 square feet of palustrine forested wetland for extension of an existing municipal water service line to an existing single family residence.

With Conditions:

1. All work shall be in accordance with plans by Provan and Lorber Inc dated November 2005, as received by the Department on January 12, 2006.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. Work shall be done during low flow.
4. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Area of temporary impact shall be regraded to original contours following completion of work.
7. All material removed during work activities shall be removed down to the level of the original hydric soils.
8. All material removed during work activities shall be placed out of DES's jurisdiction.
9. Mulch within the restoration area shall be straw.
10. Seed mix within the restoration area shall be a wetland seed mix appropriate to the area and shall be applied in accordance with

manufacturers specifications. The receipt and contents of the wetland mix shall be supplied to NHDES within 10 days of application.

11. A post-construction report documenting the status of the restored jurisdictional area, including photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f); projects involving alteration of less than 3,000 square feet in swamps or wet meadows that are not in prime wetlands or do not meet the requirements of Wt 303.02(k).
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The well on the existing site was contaminated and therefore this is the only potable water supply for this lot.

GOLD DREDGE

2006-00200 WAGNER, ARTHUR
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc: Bath Conservation Commission

APPROVE PERMIT:
Gold Dredge

LAKES-SEASONAL DOCK NOTIF

2006-00197 SMITH, DAVID
GILFORD Unnamed Wetland Winnepesaukee

COMPLETE NOTIFICATION:
Seasonal Dock Gilford NH Winnepesaukee Lake

2006-00201 GRAFTON POND ASSOCIATION
GRAFTON Unnamed Wetland Grafton Pond

Conservation Commission/Staff Comments:
Wm Risley, brother of Charles deSieyes passed away suddenly and Charles requested to be agent for the Association

COMPLETE NOTIFICATION:
Seasonal Dock Grafton NH Tax Map #09-1043-01
Lot# 119 Grafton Pond

